SUPPLEMENT

TO THE

Genealogical Hiſtory of *The Stewarts*,

WITH

CORRECTIONS AND ADDITIONS:

AND CONTAINING

ANSWERS to an Anonymous Attack on that Hiſtory, publiſhed at Edinburgh in February 1799, under the Title of "*The Genealogical Hiſtory of the Stewarts refuted.*"

By ANDREW STUART, Eſq. M. P.

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CORREC-

CORRECTIONS AND ADDITIONS,

MADE IN THE MONTH OF JUNE 1799,

AS A

SUPPLEMENT

TO THE

GENEALOGICAL HISTORY OF THE STEWARTS.

PAGE 51, *last line, at the end of the quotation from Symson, add the following note:*

From the manner in which Symson has expressed himself, it is evident that his only authority for supposing that Sir John Stewart of Bonkyl had Sir Hugh and Sir Robert for his 6th and 7th sons, was a passage in Holinshed's Chronicle of Ireland, anno 1318. But on looking at the passage referred to, it appears that it relates to Sir Hugh and Sir Robert Laceys, not to Sir Hugh and Sir Robert Stewarts. — Vide Holinshed's Chronicle, anno 1318, and the following note.

Page 61, *after line* 17, *add the following note:*

This is the passage in Holinshed's Chronicle from which Symson had very inaccurately imagined that the names of Sir Walter, Sir Hugh and Sir Robert, mentioned immediately after the words " *Lord Alan Stewart* " *with his three brethren,*" were meant to describe the names of these three brethren of Sir Alan Stewart; but on reading the whole of the paragraph it will appear that this was a gross mistake on the part of Symson; for what

Holinshed

Holinſhed meant to ſay with regard to Sir Alan Stewart and his family, ends with the words "*his three brethren;*" he did not pretend to give a name to any of theſe three brothers: and the next ſentence beginning thus, "*Sir Walter and Sir Hugh, Sir Robert and Sir Amery,*" relates, in the moſt clear and preciſe manner, to perſons of the name of Lacey. If it were poſſible to entertain any doubt of this being the meaning of the paſſage in Holinſhed, that doubt would ſpeedily be diſpelled by looking at the Annals of Ireland publiſhed by Camden, and ſubjoined to his Britannia. Theſe Annals, in relating the events of the years 1317 and 1318, make frequent mention of the perſons of the name of Lacey; particularly there are the following articles:

"On the Thurſday next before the feaſt of St. Margaret, [1317,] "Hugh and Walter Laceys were proclaimed felons and traitors to "their king, for breaking out into war againſt his Majeſty."

"Item, on Saturday, which happened to be the feaſt of Pope Calixtus, "[1318,] a battle was fought between the Scots and Engliſh of Ireland, "two leagues from Dundalk; on the Scots ſide there were Edward Lord "Brus, who named himſelf King of Ireland, Philip Lord Moubray, Walter "Lord Sules, *Alan Lord Stuart with his three brethren*; as alſo, Sir Walter "Lacey, and Sir Robert and Aumar Lacey, John Kermerdyne and Walter "White, with about 3000 others. Againſt whom, on the Engliſh ſide, "there were the Lord John Bermingham, Sir Richard Tuit, Sir Miles "Verdon, Sir Hugh Tripton, Sir Herbert Sutton, Sir John Cuſak, Sir "Edward and Sir William Bermingham, and the Primate of Armagh, who "gave them abſolution; beſides, Sir Walter Larpulk and John Maupas, "with about 20 more choice ſoldiers and well armed, who came from "Drogheda. The Engliſh gave the onſet, and broke into the van of the "enemy with great vigour; and in this encounter the ſaid John Maupas "killed Edward Lord Brus valiantly, and was afterwards found ſlain upon "the body of his enemy. The ſlain, on the Scots ſide, amounted to "2000 or thereabouts; ſo that few of them eſcaped beſides Philip Lord "Moubray, who was alſo mortally wounded, and Sir Hugh Lacey, Sir "Walter Lacey, and ſome few more with them, who, with much ado, "got off."

In

In transcribing the above passage from the Annals of Ireland, the sentences and punctuation are literally copied. There cannot be a doubt that it relates to the same persons as those mentioned in the quotation from Holinshed; neither can there be a doubt that the names of Sir Walter, Sir Hugh, Sir Robert and Sir Amery, had nothing to do with Lord Alan Stewart and his three brethren; but that they relate all of them to persons of the name of Lacey. It is believed that Holinshed in composing his Chronicle of Ireland made use of these annals: at any rate, the similar account given in both concerning the Laceys, establishes the meaning of the paragraphs beyond the reach of dispute.

The result upon the whole is this,—that there is no authority whatever for supposing that Sir John Stewart of Bonkyl ever had two sons of the names of Hugh and Robert; for the first introduction of these sons into the pedigree of the Bonkyl family, took rise from a mistaken interpretation by Symson of a paragraph in Holinshed. No historian or genealogical writer before Symson, so far as I have been able to discover, ever mentioned these two sons; and those who have since mentioned them have done it with a reference only to his authority.

It is further to be remarked that Symson himself seemed to doubt of the reality or existence of these two sons, Hugh and Robert; for the only article concerning them in his book is in these words: "6th and 7th sons, "Sir Hugh and Sir Robert, mentioned by Holinshed in his Chronicle of "Ireland, anno 1318."—then Symson adds, "*whose then existence I am not* "*to defend.*"—This plainly shews that he disbelieved it.

Page 199, *after line* 12, *add:*

In Camden's Brittannia, page 919, of Gibson's edition, there is the following article concerning Bernard Stuart. "*Of the line of the Lords* "of Aubigny in France there was Bernard or Everard, under Charles the "8th, and Lewis the 12th, transmitted to posterity by Paulus Jovius, with "much commendation for his valiant performances in the war of Naples. "He was a most faithful companion of Henry 7th, when he came for "England; and used for his device a lion between buckles, with the "motto "*Distantia jungit,*" because by his means the kingdoms of France "and

" and Scotland ſo far diſtant were joined together by a ſtrict league of " friendſhip."

Page 206, line firſt, add the following note:

There is reaſon to believe, that the two perſons here referred to as kinſmen of Bernard Stuart, were his couſins Robert Stuart, afterwards Maréchal of France, and John Duke of Albany, afterwards Regent of Scotland; both of whom ſerved under Bernard Stuart in the wars in Italy.

Page 290, end of line 3 from the bottom, add the following note:

Salluſt (Cap. 4. Bellum Jugurthinum) obſerves, that the Fabii, the Scipios, and other great men of the Republic, declared that nothing elevated their minds more to virtue than the ſight of the portraits of their anceſtors; for theſe recalled to their memory the great actions they had performed, and inflamed their breaſts with the love of glory, which nothing could extinguiſh till they had equalled the juſtly acquired honours of their forefathers.

Mr. Lumiſden, in his remarks on the Antiquities of Rome, (a work which, from the claſſical knowledge it contains, as well as from the author's knowledge of Antiquities, is well qualified to afford both inſtruction and entertainment as to the manners and taſte of the Romans,) obſerves, " that " it was in the atrium of their houſes that the Romans who had acquired the " jus imaginis, which was the ſame with the jus nobilitatis, placed their " own and their predeceſſors images that they might be ſeen by the " people."

ADDITIONS.

THE following Additions have been judged proper, in conſequence of a Book or Pamphlet which has lately been publiſhed, intitled " The Genea-" logy of the Stewarts Refuted, in a Letter to Andrew Stuart Eſq. M. P." This work conſiſts of 169 pages, bears the date of London, 1ſt February 1799, and appears to have been printed at Edinburgh, but the name of the Author has been concealed.

It is very generally allowed, that anonymous publications, and eſpecially thoſe which contain direct or indirect attacks on Individuals, are not only degrading to the nameleſs Authors when detected, but are little deſerving of an anſwer, and are not entitled to any credit from the public.

But there are reaſons which render it proper to take ſome notice of that publication in theſe Additions.

I ſhall paſs over at preſent, the ſtyle and temper of the work in queſtion, and ſhall, in the firſt place, endeavour to clear up any doubts that may be entertained concerning the pretenſions of the Earl of Galloway, which the Anonymous Author ſeems inclined to ſupport, reſting, as he does, on the reaſonings of Mr. Williams, on whom he has laviſhed conſiderable praiſe.

Mr. Williams communicated to me, above four years ago, ſeveral long and elaborate papers made out by him, on the ſubject of Lord Galloway's claim; which papers both Lord Galloway and Mr. Williams wiſhed me to conſider, and to make them acquainted with my opinion upon them. After I had read them attentively, I ſubmitted to the labour and fatigue of correcting his erroneous ſtatements, and of diſproving his conjectures and falſe reaſonings; and I communicated my obſervations to Mr. Williams himſelf, with permiſſion to take a copy for Lord Galloway's uſe and his own; which I have no doubt he did.

6 It

It is evident that the Author in queſtion has been furniſhed with Mr. Williams' papers; but whether or not my obſervations upon them were alſo communicated, it is impoſſible for me to ſay; if they were, the work in queſtion will be expoſed to the greater cenſure. I certainly expected that I ſhould have heard no more of the works of Mr. Williams, unleſs by his making a fair acknowledgment that he was convinced of his errors. — As he has not done ſo, and as his facts and arguments are again brought forward from another quarter, and with an air of triumph, I think it right to give now, as an addition to the Genealogical Hiſtory, an exact copy of my Obſervations made out in 1794, and communicated to Mr. Williams in November of that year.

OBSERVATIONS upon the Papers drawn up by Mr. Williams on the behalf of the Earl of Galloway.

SINCE the month of February laſt 1794, Mr. Williams has drawn up four ſeveral Papers in ſupport of the Earl of Galloway's claim, for proving that he is, after the death of Cardinal York, the neareſt heir male deſcended from the Stewarts of Derneley and Lennox, and of courſe the neareſt heir male from the Ancient High Stewarts of Scotland.

The Papers thus drawn up by Mr. Williams are under the following Titles:

1. Notes on the State of the Evidence reſpecting the Stuarts of Caſtlemilk: 32 pages.

2. An impartial Examination of the different Accounts given of Sir William Stewart of Jedworth and Sir William Stuart of Caſtlemilk: 52 pages.

3. A view of the Evidence adduced for proving that the preſent Earl of Galloway is the Lineal Heir Male and Repreſentative of Sir William Stewart of Jedworth, who lived near the Concluſion of the 14th and the Beginning of the 15th Century: 29 pages.

4. Extracts from Ancient Charters, Authentic Records and Cotemporary Hiſtorians, tending to elucidate the moſt remarkable Events in the Life of Sir William Stewart of Jedworth: 90 pages.

Theſe Papers appear to have been the reſult of indefatigable induſtry employed by Mr. Williams in his reſearches for ſome years paſt, and in his peruſal of a great variety of papers and records.

The lateſt of theſe papers was delivered to Mr. Stuart in September 1794.—In the courſe of that paper, Mr. Williams, for ſupporting the Earl of Galloway's pretenſions, found it neceſſary to give a Genealogical Table of ſome Generations of the Stewarts of Derneley and Lennox, ſo as to ſhew in what degree of relation Lord Galloway's Anceſtors ſtood to the Stewarts of Derneley, and in what manner, and at what period they were deſcended from them, and of courſe from the High Stewards of Scotland.

Of that Genealogical Table, the following is a literal Copy:

DESCENT

DESCENT of the FAMILY of DARNLEY, &c.

- ALEXANDER Lord High Steward of Scotland, who had a Grant of the Barony of Garlies Nov. 30, 1263.
  - 1ſt Son, JAMES Lord High Steward of Scotland.
    - WALTER Lord High Steward of Scotland, married Marjory, Daughter of King Robert Bruce 1315.
      - King ROBERT II. 1370, &c.
  - 2d Son, Sir JOHN STEWART of Bonkill and Jedworth, killed at the Battle of Falkirk 1298.
    - 1ſt Son, Sir ALEXANDER STEWART of Bonkill, whoſe Race is now extinct.
    - 2d Son, Sir ALAN STEWART of Dreghorn, &c. killed at the Battle of Halidonhill 1333.
      - 1ſt Son, Sir ROBERT STEWART of Cruxton, &c. died without Iſſue.
      - 2d Son, Sir JOHN STEWART of Jedworth, afterwards of Dreghorn, Darnly, &c. 1323, 1340, &c.
        - 1ſt Son, Sir JOHN STEWART of Darnley, given as an Hoſtage for King David Bruce 1357.
          - ROBERT STEWART died young.
        - 2d Son, Sir WALTER STEWART, ſucceeded his Brother.
        - 3d Son, Sir ALEXANDER STEWART of Darnley, ſucceeded 1367, &c.
          - 1ſt Son, Sir JOHN STEWART of Darnley, married the Heireſs of the Houſe of Lennox 1390, and was killed before Orleans 1429.
            - Sir ALAN STEWART of Darnley, killed in a Feud by the Boyds of Kilmarnock.
              - Sir JOHN STEWART of Darnley, claimed the Earldom of Lennox in Right of his Grandfather, and had the Validity of his Claim admitted.
          - 2d Son, Sir WILLIAM STEWART of Jedworth, mentioned from 1385 to 1429; killed at Orleans 1429.
            - 1ſt Son, Sir JOHN STEWART, who married the Heireſs of Garlies and Dalſwinton 1396, and was killed in the Expedition to France 1417.
              - Sir WILLIAM STEWART of Dalſwinton, 1430, 1440, &c.
                - 1ſt Son, Sir ALEXANDER STEWART of Garlies 1470, Anceſtor of Lord Galloway.
                - 2d Son, Sir THOMAS STEWART of Minto, Anceſtor of Lord Blantyre 1477.
            - 2d Son, Sir WILLIAM STEWART of Caſtlemilk, alive in 1439.
              - Sir WALTER STEWART of Arthurly, 1440, &c.
                - Sir WALTER STEWART of Arthurly, 1470, &c.

There is no hesitation in admitting, that if this genealogical table drawn up by Mr. Williams is perfectly accurate, and capable of being supported by proofs, the Earl of Galloway must be the undoubted heir male of the Stewarts of Derneley and Lennox, and likewise of the High Stewarts of Scotland: but it could serve no purpose to admit facts which will not stand the test of examination, and which every person who has investigated the history of these families, or who may be disposed to do so at any future time, would find himself obliged to reject, as founded in error, or proceeding from conjectural reasonings, in opposition to established facts.

The first seven articles in Mr. Williams's genealogical table, beginning with Alexander the High Stewart, anno 1263, and ending with Sir Alan Stewart of Dreghorn, anno 1333, are perfectly right; but every article from that period downwards is erroneous, or at least by far the greatest part of them are so.

To begin from Sir Alan Stewart of Dreghorn, who was killed at Halidon-hill, in 1333: Mr. Williams states that he had two sons; the eldest, Sir Robert Stewart of Cruxton, said to have died without issue; and the second, Sir John Stewart of Jedworth, afterwards of Dreghorn, Derneley, &c. The fact is, that Sir Alan Stewart never had a son of the name of Robert; and that his only son, Sir John Stewart of Derneley, never at any period was designed of Jedworth.

To proceed to the next generation.—Mr. Williams supposes that there was a second Sir John Stewart of Derneley, who was grandson to Sir Alan Stewart; and that this second Sir John Stewart had for his two brothers Walter and Alexander Stewart: but the fact is, that there was no Sir John Stewart, grandson of Sir Alan, who ever came to the possession of the estate; but that Walter and Alexander were brothers of the first Sir John Stewart, who was the immediate son of Sir Alan Stewart.

Mr. Williams's next supposition is, that Sir Alexander Stewart of Derneley, the youngest of the three brothers, succeeded in the year 1367, upon the death of his two elder brothers without issue; and that this Sir Alexander Stewart was the immediate father of Sir John Stewart of Derneley, who was killed during the siege of Orleans in 1429: but this is quite erroneous, for there were two Sir Alexander Stewarts, father and son, and it

 was

was the laſt of theſe Alexander Stewarts who married Janet Keith; and of that marriage deſcended Sir John Stewart of Derneley who was killed in the year 1429, during the ſiege of Orleans, and likewiſe his brother Sir William Stewart who was killed in the ſame battle.

The next fact aſſumed by Mr. Williams is, that Sir Alexander Stewart, who ſucceeded in 1367, had for his firſt ſon Sir John Stewart of Derneley, and for his ſecond ſon Sir William Stewart of Jedworth; and that this Sir William Stewart of Jedworth lived till the year 1429, and was then killed during the ſiege of Orleans.

If this laſt-mentioned fact were true, it would ſerve completely to eſtabliſh the preference due to Lord Galloway's pretenſions; becauſe it is a certain fact, that Sir William Stewart of Jedworth was Lord Galloway's anceſtor, from whom he is deſcended in the direct male line; and if it were equally true, that this Sir William Stewart of Jedworth was the brother of Sir John Stewart of Derneley who was killed in France in the year 1429, and from whom the only male deſcendant now alive is Cardinal York;—then it muſt follow, that the deſcendant from Sir William Stewart, the brother of Sir John, muſt now be the undoubted heir male of the family.

It becomes therefore a point of eſſential importance in the preſent diſcuſſion, to aſcertain the fact, whether Sir William Stewart of Jedworth, who was ſometimes deſigned of *Jedworth* and at other times of Teviotdale, and at other times *de Forreſta*, was really the ſon of Sir Alexander, and the brother of Sir John Stewart of Derneley, the firſt Lord of Aubigny in France, who was killed in that country in the year 1429, during the ſiege of Orleans; and whether this Sir William Stewart was the ſame perſon with *that* Sir William Stewart who certainly was killed *in the ſame battle with* his brother Sir John Stewart.

From the facts and proofs which are now to be ſtated, and which are totally adverſe to the above ſuppoſitions, it will appear, that Sir William Stewart of Jedworth could not poſſibly be the ſon of Sir Alexander, and the brother of Sir John Stewart of Derneley; and that he could not be the Sir William Stewart who was killed during the ſiege of Orleans; for the following reaſons:

First, Becauſe Sir William Stewart of Jedworth was taken priſoner by the Engliſh at the battle of Homildown, in the year 1402, and ſoon thereafter was tried, condemned, and executed in England.

Secondly, Becauſe the age and circumſtances which are known to have related to Sir William Stewart of Jedworth, are totally irreconcileable with any idea of his being the ſon of Sir Alexander Stewart of Derneley, or the brother of Sir John Stewart of Derneley, the conſtable of the Scots army in France.

PROOFS *in favor of the* FIRST PROPOSITION.

THE hiſtory of Sir William Stewart of Jedworth is very well known. He was certainly a great warrior, and a very eminent and diſtinguiſhed perſon in his time; and there are few men who lived in that remote period concerning whom more traces are to be diſcovered from the records and hiſtories of thoſe times.

From the public records in Scotland it appears that the following charters or grants were made in his favor towards the cloſe of the 14th century; to wit,

1. Charter, dated at Linlithgow, the 2d of July, 1385, by King Robert II. granting " Dilecto et fideliſſimo ſuo Willielmo Stewart de Jedwith " terras de Synlawys cum pertinentiis in baronia de Oxynham infra vice- " comitatum de Roxburgh, quæ fuerunt quondam Thomæ de Rydall, et " quæ nos contingunt ratione feris facturæ ejuſdem Thomæ ad pacem et " fidem regis anti hac defuncti."

2. Charter by King Robert III. dated 4th January 1391, confirming a charter dated 8th December 1390, granted by John Turnbull of Minto, of the lands or dominium of Minto, in favor of Sir William Stewart of Jedworth, knight, therein deſigned "Nepos" of John Turnbull of Minto, the granter of the Charter; by which he granted the lands in favor of Sir William Stewart, thus deſigned " Domino Willielmo Seneſcallo de Jed- " worth, militi, nepoti meo."

3. On the 27th of March 1392, King Robert III. conferred on Sir William Stewart a grant of forty merks sterling as a reward for his loyalty, attachment, and distinguished services to the King, and to his eldest son David Earl of Carrick and Duke of Rothesay. — The words are, " dilecto et " fideli nostro Willielmo Senescallo de Jedworth, militi, pro servitio suo et " speciali reverentiâ suo nobis, et David Senescalli primogenito nostro."

4. On the 8th of November 1391, the same King Robert III. granted to Sir William Stewart of Jedworth, the estates and lands of George Abernethey in the village of Minto, then in the Crown by reason of his forfeiture. The words in the Charter contain a grant by his Majesty, " Dilecto et fideli nostro Willielmo Senescallo de Jedworth, militi, de omni- " bus terris et tenementis quæ fuerunt Georgii de Abernethey in villa de " Myntaw," &c. The date is " apud Irvyne, octavo die mensis Novembris " anno regni nostri secundo," which must have been in November 1391, as Robert succeeded to the Crown in April 1390.

This is a mistake in referring to No. 4895. The article is in No. 4609, page 132, No. 61 thereof, relative to Rolls of Robert III. marked F.

5. In an Inventory of Scottish Charters preserved among the Harleian Manuscripts at the British Museum N° 4895, an entry is made of " A Charter, by Archibald Earl of Douglas, son-in-law to the King, to " William Stewart of Teviotdale, or of Jedworth, of the lands of Aber- " corne, and Castle thereof, blenche." As this deed is among the Charters that have been unfortunately lost or mislaid, and as no particular date is mentioned, it is difficult to assign the precise period when it was executed.

6. Upon the 31st of August 1395, King Robert III. granted a Charter to the Monks of Melross, remitting to them and their successors certain tolls and customs, &c. To this Charter Sir William Stewart of Jedworth was one of the witnesses; but he is therein described as *Sir William Stewart of Tevi-dale*, " Willielmus Senescallus de Tevi-dale, miles." This Charter is in the Chartulary of Melross, which is preserved among the Harleian Manuscripts at the British Museum, N° 3960.

7. Upon the 17th of October 1396, Sir William Stewart of Jedworth entered into a contract with Sir Walter Stewart of Dalswinton, in which he engaged that his son and heir should marry Marion Stewart, the daughter and apparently the sole heiress of Sir Walter. In this contract, Sir William

liam

liam Stewart is not designed of Jedworth, but is styled *Sheriff of Teviotdale*, without any other designation.

8. Upon the 30th of October 1394, Richard II. King of England, granted letters of safe-conduct and protection to the Ambassadors from Scotland, when commissioned by the King of Scotland to meet the English Ambassadors to adjust the terms of a truce. From these letters, which are published in Rymer's Fœdera, vol. 7. page 785. it appears that Sir William Stewart of Jedworth, Knight-banneret, was one of these Ambassadors from Scotland. — The other Ambassadors were, the Bishops of St. Andrew's and Glasgow, the Earls of Carrick, of Douglas, and of March, &c.

9. On the 1st of October 1397, there was a commission directed by Robert King of Scotland "dilectis et fidelibus suis Willielmo Senescal de "Jedworth, et Johanni de Romergny, militibus, ac Adæ Forrester et Patricio "de Lumley," appoining them, or any three or two of them, his Deputies and Special Commissioners to meet with Richard his adversary in England, or with his Deputies and Commissioners, for fixing the time and place for settling certain disputes between the two kingdoms. 1397, October 1st. Rymer's Fœd. vol. 8. p. 17.

10. On the second of October 1397, an Indenture was drawn up at the Abbey of Dumfermline, betwixt Sir William Stewart, Sir John of Romergny, Knights, Adam Forrester and Patrick Lumley, Esquires, on the part of Scotland, and the Ambassadors and Commissioners of the King of England; by which it was agreed, that a day should be held at Reddenburn, Carham, or Handenstank, on Monday the 11th day of March then next, betwixt the Earl of Carrick, &c. for the part of Scotland, and the Duke of Guyenne and Lancaster, &c. for the part of England, to redress all trespasses done by sea and by land against the form and tenor of the truce taken at Lollingham in the year of our Lord 1388. 1397, October 2d. Rymer's Fœd. vol. 8. p. 18.

11. On the 16th of March 1398, there was an agreement, entitled "Indentura Treugarum Scotiæ," entered into at Handenstank between "David "eldest son of the King of Scotland, Comte de Carrick &c. Commi et Deputé de Roi d'Ecosse, d'une part, et Jean fils du Roi d'Angleterre, Duc de "Guyenne et Lancaster, Commi et Deputé de Roi Angleterre, d'autre part." Which Indenture witnesseth, "Que les dits Commis et Deputés du Roi 1398, March 16. Rymer's Fœd. vol. 8. p. 35.

"d'Ecosse

"d'Ecosse ont ordonné leurs Deputez Monsieur William Lindesay, William
"Steward, Joan de Romergny, Chevaliers, et Adam Forrester; et les
"dits Commis et Deputés d'Angleterre ont ordonné leurs Deputés
"Monsieur Gerrard Heron, Thomas Gray de Horton, Jean de Fenwick,
"Chevaliers, et Jean Mitford pour performer leur ordonnance en
"maniere qui s'ensuit," &c.

1398, October 26. Rymer's Fœd. vol. 8. p. 54.

12. On the 26th of October 1398, there was a Convention at Handenstank, styled "Conventionis Supertreugas Scotiæ," between Sir William of Borthwick, Sir John of Romergny, Knights, and Adam Forrester, Esquire, Commissioners of an high and mighty Prince the King of Scotland, on the one part, and Sir John Bussie, Sir Henry Græme, Knights, Mr. William Fereby, Clerk, and Lawrence Drew, Esquire, Commissioners of a high and mighty Prince the King of England, on the other part; by which Convention several particulars were agreed to about the mutual delivering up of prisoners and ransoms, &c. — Then follows a clause in these words:

"To the fulfilling of the which, the Earl of the March, the Warden of the
"East March of Scotland, is obliged by his letter to Sir Henry Percy,
"Warden of the East March of England; and the said Sir Henry is obliged
"by his letter to the said Earl, either for his bounds against the other;
"and Sir Richard of Rutherford, Sir William Stewart, Knights, Walter
"Scott, Thomas Turnbull, and Robert of Lauder, are Burrows for the
"Earls bounds of Douglas of the Middle March; and Sir Thomas Gray of
"Heaton and Sir Thomas Gray of Horton, Knights, Robert Umfraville,
"John of Midford, and Thomas Knayton, are Burrows for Sir Henry
"Percy's bounds for the East March," &c.

1398, October 28. Rymer's Fœd. vol. 8. p. 57, 58.

13. On the 28th of October 1398, there was a Convention between Sir William of Borthwick, Sir John of Romergny, Knights, and Adam Forrester, Esquire, Commissioners of a high and mighty Prince the King of Scotland; and Sir John Bussie, Sir Henry Græme, Knights, Master William Fereby, and Lawrence Drew, Esquire, Commissioners of a high and mighty Prince the King England, which narrates several particulars that were under their consideration; and one of these relating to Sir William Stewart was expressed as follows:

"Item,

"Item, Sir Philip of Stanley, Captain of Roxburgh, gave a bill playn-
"and of the Erle's ſon of Douglas, and ſundrymen in the company with
"him, of the which Sir William Stewart was ane, that they hadd broken
"the brig of Roxburgh, brynnte theire towne and ſpulyit that, broken
"thair walles, and brynt thair hay and yair fuel, to thair ſcathes of twa
"thouſand pund."

"And forethy the ſaid Sir William was preſente on the feylde he was
"conſtreynit 'till anſwer tyll the ſaid complaynt; to the quhilk he anſwerit,
"ſayand, that the breyking of the brig, the brynning of the hay and fuel, his
"Lord did of purpoſe, thynkand that he might do that lawchfully notht
"agayne ſtand and the trewis forethy that it was and is Scots mennys
"heretage. Neverthelefs ghwethir it be full juſtifiable ore nocht he
"cannocht ſay, bot gif it beys determynit by the Commiſſaires ane at-
"temptate againe the trewis it ſall be amendit as it aw to be.

"The brenning and the ſpretting of the towne he graunts till amende
"as a thinge done againe his Lordes defenſe, and alſo againe the trewis."

"The quhilk anſwer herd the ſaid Commiſſies has referrit the knaw-
"ledge of this article to their Lordes for the heyeſs of the matter.

The final determination of the above-mentioned diſpute appears thus to have been referred by the Deputies to the principal Commiſſioners. — Neither does it appear that the eſtabliſhment of the truce had been thereby interrupted; for in that ſame year (1398) ſureties were mutually given on the part of England and of Scotland. The truce then eſtabliſhed between England and Scotland expired at Michaelmas 1399; and the Scots took that opportunity of making inroads into Northumberland, where they took the Caſtle of Wark, which they utterly demoliſhed and made great ravages in Northumberland. While they were thus employed in Couetdale in Northumberland, they were attacked by Sir Robert Umfraville, the Chief Lord of that diſtrict, at a place called Fullhopelaw, in which conflict Sir Richard Rutherford and his five ſons were taken priſoners, alſo John Turnbull, ſurnamed "Out with the Sword," Sir William Stewart, and many others. Redpath's Border Hiſtory, p. 367.

Though

Though Sir William Stwart is not here particularly designed, it is probable that it was Sir Willim Stewart of Jedworth who was taken prisoner in 1399.

The next mention we hve of Sir William Stewart of Jedworth is in the year 1402, when he wa taken prisoner at the battle of Homildown in Northumberland, where rchibald Earl of Douglas commanded the Scots army, and the Earl of orthumberland with his son Henry Percy, commonly called Hotspur, asted by George Dunbar Earl of March, commanded the English forces which were victorious. At this battle, fought on the 14th of September 402, Sir William Stewart of Jedworth was taken prisoner, and at the instae of Hotspur Percy was tried, condemned, and executed, though he very ly pleaded his own cause, and had been acquittted by the first juries pointed to try him *. A very particular account of this is given in the ScotChronicon, vol. 2. page 434. where, after relating the particulars of that faous battle, the Author gives a very precise account of what related to S William Stewart, in the following words:

Scoti-Chronicon, vol. 2. page 434.

"Captus ibi fuit valensniles, et inter sapientes primus, Dominus Willi-
"elmus Stewart de Forea; et coram Domino Henrico Percy juniore, de
"traditione falso ajudicus, pro eo quod, cum puer esset, antequam
"Thevidalia venit d pacn Regis, *ipse*, *sicut* ceteri de patria, Anglicatus
"erat, et de necesitate. e hoc acrius accusatus, sed sagaciter sua propria
"peroratione defusus, tr Anglorum assisas tanquam immunis evasit. Sed
"et dictus Perc, qui Hspur dicebatur, inveterata excandescens malitiâ,
"probitati nimim et sapntiæ militis invidens, non passus est ipsum sic
"libertate donari sed et assentatoribus suis nova assisa electa, præpropere
"et perperam codemnat, et, tanquam traditor, tractus et dimembratus,
"innocens Martr pro titia passus a plerisque etiam Anglis reputatus
"est."

* The trial and exection Sir William Stewart must have been in the period between 14th September 1402, he dao of the battle of Homildown, and the 21st July 1403, the date of the battle of Srewsbu where Hotspur Percy was killed.

This

This fact, concerning Sir William Stewart's being taken prisoner at the battle of Homildown, and his being put to death soon thereafter, is so decisive of the whole matter in dispute, that Mr. Williams, in the papers lately drawn up by him, has been at great pains either to reject the testimony of the author of the Scoti-Chronicon, or to make it be believed, that Sir William Stewart *de Forestâ* could not be the same person as Sir William Stewart of Jedworth or Teviotdale.—To this purpose Mr. Williams in one of his late papers, entitled "An impartial Examination of the different ac-"counts given of Sir William Stewart of Jedworth, and Sir William "Stewart of Castlemilk," has the following passage: "*No author but the* "*author of the Scoti-Chronicon, mentions the circumstance of Sir William* "*Stewart's having been put to death by the sentence of a jury instigated by* "*Hotspur Percy*; nor can it be proved that the transaction, if true, is "solely applicable to Sir William Stewart of Jedworth. The title given by "Fordun, or his Continuator, to the Sir William Stewart whom he asserts "Hotspur sacrificed to his fury, is *de Forestâ*; and this designation cannot "at least be proved inapplicable to Sir William Stewart of Castlemilk. "The situation of Castlemilk near Lochmaben, a country then abounding "with wood, and near the conjunction of the forests of Jedburgh, Sel-"kirk, and Etrick, might well confer on its possessor the title of *de Forestâ*. "The limits of these forests were more extensive in ancient times than "they are at present supposed to be."

And in another part of the same paper, there is this passage: "With "regard to Sir William Stewart of Jedworth, as his residence was in the "*town of Jedburgh*, the title of '*de Forestâ*' would confessedly be very "inapplicable to him; it would literally be creating a *rus in urbe*, to apply "the designation of *de Forestâ* to an inhabitant of a populous town. There "are many reasons for concluding, that the fact related in the Scoti-Chronicon "cannot be true, at least with respect to Sir William Stewart of Jedworth."

These reasonings and conjectures on the part of Mr. Williams, must fall to the ground, when the true state of facts is attended to. The circumstance on which he lays so much stress, the designation of "*de Forestâ*," is so far from being inconsistent with the designation of "de Jedworth," that the one and the other means precisely the same thing; for in

ancient, as well as in modern times, Jedworth Foreſt is a deſcription ſo well known and eſtabliſhed, that "Jedworth" or "The Foreſt," or "Jedworth Foreſt," are almoſt ſynonimous, and they are made uſe of indiſcriminately for deſcribing the ſame tract of country. When Sir William Stewart was deſcribed "of Jedworth," it was never meant by that to ſay, as Mr. Williams ſuppoſes, that he was an inhabitant of the ſmall town or village of Jedworth, but that he had an eſtate or tract of country known by the deſcription of *Jedworth*, or in other words, of *Jedworth Foreſt*; which to this very day is the deſcription of a large tract of country in the county of Teviotdale, upon the borders between England and Scotland. A great part of that tract of country under that deſcription of Jedworth, or Jedburgh Foreſt, belongs at this day to the Douglas family, and it is ſo deſcribed in the rentals and title deeds of that family *.

But another piece of evidence, now to be ſtated, will ſerve at once to put an end to all cavil upon Sir William Stewart's deſignation of *de Foreſtâ*; and at the ſame time will ſhew that Mr. Williams is greatly miſtaken, in

* James the 8th Lord of Douglas, known by the name of the Good Sir James, who died in the year 1331, got a grant from King Robert the Bruce in the year 1324, to him and his heirs of the Town Caſtle and *Foreſt of Jedworth*. Vide Douglas's Peerage, page 183, where he appeals to a charter in the poſſeſſion of the family of Douglas.

In Rymer's Fœdera, vol. 4. No. 616. mention is made of the Villa Caſtrum et *Forreſta de Jedworth*, where Edward Baliol, anno 1334, in the ſecond year of his reign, by a grant under the great ſeal of Scotland, dated at Newcaſtle, 12th June, grants to Edward King of England, amongſt other articles, Villam, Caſtrum, et *Forreſtam de Jedworth*.

In Rymer, vol. 4, page 617, Edward King of England, upon the 15th of June, 1334, appoined Galfridus de Moubray ſheriff of the county of Roxburgh, and gave him the cuſtody of the Caſtle of Roxburgh; and appointed Gulielmus de Preſſen conſtable of the Caſtle of Jedworth, with the cuſtody of *the Forreſt of Jedworth*.

In the Cartæ Antiquæ and Rotuli Scotiæ, publiſhed by Sir Joſeph Ayloffe, page 147, there is an article in the 8th year of Edward the 3d in theſe words: "De conſtabulario Caſtri "Regis et Cuſtodia *Forreſtæ de Jedworth*, commiſſio Willielmo de Preſſen."

In the year 1403, July 9th, an agreement was entered into between the King of England and the Earl of Northumberland, by which the Earl engaged to deliver up to perſons having commiſſion from the king, the Caſtle of Berwick, and alſo the Caſtle and *Forreſt* of Jedburgh with all their dependencies, which had been granted by a charter of Edward the 3d to the Earl's grandfather. Rymer, vol. 8, page 364.

fuppofing that no author but the author of the Scoti-Chronicon had mentioned the remarkable circumftance of Sir William Stewart's being taken prifoner at the battle of Homildown, and of his being tried, condemned, and executed in confequence thereof; for there is a contemporary author, of great character, and deferving of credit, who mentions almoft all the fame circumftances, with fome additional ones; and it fortunately happens for clearing up the prefent queftion about the defignation, that author does not defcribe Sir William Stewart under the defignation of "de Forefta," but in exprefs words defcribes him "*Sir William Stewart of Teviotdale.*" This defignation it will not be denied belonged to Sir William Stewart of Jedworth; inftances of which have already been given.

The authority here appealed to, for eftablifhing the fame facts as thofe related in the Scoti-Chronicon, concerning the death of Sir William Stewart of Jedworth, is Winton's Chronicle of Scotland, of which there is one manufcript copy in the Advocates Library at Edinburgh, and another manufcript copy in the Harleian Collection at the Britifh Mufeum; and the merit of Winton's Chronicle is fo well afcertained, that it is now in agitation to give a fplendid edition of it to the public in print;—the work is already far advanced.

Winton's Chronicle, according to the fafhion of the chroniclers or hiftorians of thofe remote times, was written in a fort of verfe; and in chapter 216, p. 887, after defcribing the battle of Homildown, there is what follows, relating to Sir William Stewart of Jedworth Foreft, or of Teviotdale.

"*Schir William Stewart of Tivydaill*
That day was tain in that Battaill,
And ain uthir gude Squyeir,
That be name was callit Thomas Ker.
This Schir Henry de Percy
Thai twa demanyt unlauchefully,
As in jugement fittand he
Gart thir twa accufit be,
That thir twa before then
Had been the King of Inglonds men,

 And

And armyt agane him : forthi
Thai war accufit of tratary.
Sua in cullour of juftice,
(Set it was nane) he rafit affis
Ane affys firft maid thame guyt.
Bot this parfy, with mair defpyte,
To this affys eikit then
Mair malicious felloune men,
That durft nocht doe, but all as he
Wald, fua behuffit it to be.
Than accufyt he thir twa men,
Saras far than before then;
And by this accufatioun,
Of deid thai tholit the paffioune.
And of thair quarteris he gart be fet
Sum intill York, upon the yett.
Intill Inglonde was ane man,
That oft oyfit till fpeik than
Sindry thingis or thai fell,
Bot of quhat fpreit I can nocht tell;
Quhen he hard as this was done,
Quhair him lykit he faid rycht fone,
" Men may happin far to fe,
" Or ane *yeir be* gane, that he
" That gart yon lyms be yonder fet
" Now upon yone ilka yett,
" His awin lyms to be rycht fua
" Sa may fall the gamyn to ga."
And fa it *happynnit that deid* done,
As *yhe fal* here eftyre foon."

Winton's Chronicle was completed about the year 1418. He was a Canon Regular of St. Andrew's, and Prior of the Monaftery of Lochleven in Fifefhire; and there are few authors whofe knowledge and veracity have been held in higher eftimation.

Thus

Thus it appears that the ſame facts, with their moſt eſſential circumſtances, have been related by two different authors, both of whom were in effect contemporary with the event related; for Winton's Chronicle was compoſed about the year 1418, at lateſt, it appears from the work itſelf that the author compoſed it between 1408 and 1418, and that the laſt event noticed by him is a tranſaction of the year 1419*: and the continuation of the Scoti-Chronicon by Walter Bower, or Bowmaker, Abbot of St. Colomb, muſt have been at ſome period between 1385, when he was born, and 1449, when he died †.

Both theſe authors, therefore, were well qualified to write an account of an event ſo recent as that of the battle of Homildown, which had happened in their own time, and they muſt have had good information of the facts related by them. What adds to the force too of theſe ſeparate teſtimonies is, that it evidently appears from the diſcrepancies in the accounts given by them, that the one author had by no means copied from the other.—They differ conſiderably from each other in ſome of the circumſtances attending the capital event; but they are both agreed, and affirm with certainty, that Sir William Stewart was taken priſoner at the battle of Homildown, and that he was tried, condemned, and executed, and that Hotſpur Percy was the principal cauſe of his condemnation. It would have been ſingular indeed, if two authors, unconnected with each other, had agreed to invent ſo memorable a fact without any foundation in truth; when ſuch a falſehood with regard to a fact ſtated to have happened ſo very recently, and in their own times, muſt have ruined their characters for veracity, and deſtroyed the credit of the hiſtories they were then giving to the public.——In ſhort,

* He died about the year 1424.

† The time of the birth and death of the Continuator of Fordun is fixed by the preface to Goodal's edition of the Scoti-Chronicon, page 3; by Biſhop Nicholſon's Scottiſh Library, page 34; and by Sir David Dalrymple's Remarks on the Hiſtory of Scotland, page 131.

It appears alſo from Sir David Dalrymple, page 132, that Winton's Chronicle had been written before Bower's continuation of the Scoti-Chronicon, therefore muſt have been written very ſoon indeed after the battle of Homildown; and there is internal evidence in Winton's Chronicle, that the author of it never had ſeen the continuation of Fordun by Bowmaker.

there

there can be no reliance on any hiſtorical fact whatever, if credit is not due to this which relates to Sir William Stewart of Teviotdale, aſcertained as it is, by contemporary authors, who could have no inducement to falſify the fact, and who, if they had, could ſo eaſily have been detected; for Sir William Stewart of Teviotdale was a man ſo eminent both in Scotland and in England, that what related to him muſt eaſily have been known, and if he had not been taken priſoner at the battle of Homildown, or had not been tried, condemned, and executed ſoon thereafter, but on the contrary had lived for many years after that period, it would have been a moſt ridiculous attempt for any author, eſpecially a contemporary author, to endeavour to perſuade the world that Sir William Stewart then alive, had been tried, condemned, and executed immediately after the battle of Homildown, in the year 1402.

If an hiſtorical fact ſo completely eſtabliſhed ſtood in need of any additional ſupport from the probability of the events related, there are circumſtances in this caſe which would afford that ſupport; for the courſe of Sir William Stewart's military atchievements, and the local ſituation of his property, produced events which naturally expoſed him much to the enmity and revenge of the Percy family, whoſe property in Northumberland lay contiguous to Sir William Stewart's property of Jedworth Foreſt; and it appears from hiſtory, that Sir William Stewart, who certainly was one of the moſt diſtinguiſhed active champions for Scotland at that time, had upon many occaſions very much annoyed the inhabitants of Northumberland, and injured the property of the Percys there.

The paſſage already quoted from Rymer's Fœdera ſhews, that at the time of ſettling the diſputes between England and Scotland, in October 1398, Sir William Stewart was particularly obnoxious to the Engliſh, on account of ravages committed by him, the particulars of which Sir Philip of Stanley, Captain of Roxburgh, gave in a complaint to the Commiſſioners of England and Scotland then aſſembled, in which he ſtated, that the Earl of Douglas, and ſundry men in company with him, and particularly named Sir William Stewart, had broken the bridge of Roxburgh, burnt and plundered their town, had broken their walls and burnt their hay and their fuel, to their damage of two thouſand pounds.—It is to be remarked, that

that at the time when this happened, Henry de Percy Earl of Northumberland was, by a commiſſion from King Richard the Second, Keeper of the Caſtle of Roxburgh, and Sir Philip of Stanley, who preſented the complaint, appears to have been Captain under him.

In Sir Joſeph Ayloff's Calendar of Ancient Charters, page 258, there is an article ſhewing that in the 14th of Richard II. (which was the year 1389) Henry de Percy had been appointed keeper of the Caſtle of Roxburgh.

When Sir Philip Stanley, therefore, in the year 1398 preſented the complaint againſt Sir William Stewart, and called upon him, then preſent, to anſwer it, this muſt have been done with the knowledge, and moſt probably by the direction of his principal Henry de Percy.

In the year 1399, new cauſe of offence was given by Sir William Stewart againſt the Percy family; for Sir William was one of thoſe who in that year made inroads into Northumberland, where they took the Caſtle of Wark, belonging to the Percy family, totally demoliſhed that Caſtle and made great ravages in Northumberland; but while ſo employed they were attacked and defeated by the Engliſh forces under Sir Robert Umfraville, on which occaſion Sir William Stewart and ſeveral of his neighbours in Teviotdale were taken priſoners.

It was not long after this that Sir William Stewart engaged again in an enterpriſe to diſtreſs the Engliſh, which was directed principally againſt Northumberland, where the property of the Percy family lay. This happened in the year 1402, when Sir William Stewart accompanied the Earl of Douglas in an expedition into Northumberland, where they committed great ravages; but before they had penetrated farther into the country they were attacked and defeated at Homildown, near Wooler, by the Engliſh, under the Earl of Northumberland and his ſon Henry Hotſpur Percy, aſſiſted by the Earl of Dunbar and March; upon which occaſion, both the Earl of Douglas himſelf, and Sir William Stewart of Jedworth, were made priſoners. Sir William Stewart's life was forfeited in the manner already related; and it has been ſuppoſed, that his behaviour at Roxburgh, and in his ravages upon the Percy eſtate at different times, muſt have produced the animoſity and reſentment with which Hotſpur Percy proſecuted him, and got him condemned

after

after the battle of Homildown *. Sir William Stewart was probably confidered by the Percy family as one of their moft troublefome and formidable enemies; for he appears to have been a very able and diftinguifhed warrior, was always ready to take the field, and, from his local fituation upon the borders of the Percy eftate, had it in his power to be more troublefome to them than almoft any other perfon.

Another circumftance which makes the account in the Scoti-Chronicon, and in Winton's Chronicle, the more applicable to Sir William Stewart of Jedworth, and increafes the probability of the ftory told, is, that one of the grounds for his trial was that before Teviotdale had been reftored to Scotland (*venit ad pacem regis*) he when a boy had become a fubject of the King of England (*Anglicatus erat.*)

Teviotdale had been acquired by the King of England, and remained fubject to that crown from the time of the battle of Durham, in the year 1346, down to the year 1384; to which purpofe there is a paragraph in the Scoti-Chronicon, page 400, at the date of the year 1384, in thefe words: "Quo in tempore Willielmus comes de Douglas potentialiter et "partim tractatu fufcepit, totam Thevidaliam ad fidelitatem et pacem Regis "Scotorum quæ invariabiliter Anglicis adhærebat a bello de Durham "ufque tunc."

The fame fact is ftated in Holinfhed's Chronicle of Scotland page, 247.

Now, as Sir William Stewart's property lay in Teviotdale, where he paffed his life, and was even defigned fheriff of that county in 1396, and of courfe was a fubject of the king of England while Teviotdale remained with that crown, it makes it more probable that Hotfpur Percy, when exafperated againft him, might avail himfelf of that pretence for accufing Sir William Stewart of Jedworth as guilty of high treafon againft the King of England; for the inhabitants of Teviotdale, who during a certain period took arms againft the King of England, were confidered as rebels.

* On reading over the genealogical and hiftorical deduction of the Stewarts of Dalfwinton and Garlies, drawn up by George Crawford, hiftorian, it appears that he admits completely the fact of Sir William Stewart having been tried and executed after the battle of Homildown; and accounts for the enmity Percy bore to him in a manner fimilar to what has here been ftated.

In confirmation of this, there is a paſſage in Redpath's Border Hiſtory, pages 356, and 357, where he mentions a truce concluded in the year 1386, between the wardens of the Engliſh and Scottiſh marches, and ſays that "as Teviotdale had been acquired from the Engliſh only two years "before, by the Earl of Douglas, the Engliſh warden ſtill conſidered the "inhabitants of Teviotdale *as a ſort of rebels*;" and would only conſent in the truce 1386, to give them a protection. Rymer, vol. 7. page 526.

PROOFS *in ſupport of the* SECOND PROPOSITION, *to wit, That the Age and Circumſtances which are known to have related to* SIR WILLIAM STEWART of JEDWORTH, *are totally irreconcileable with any idea of his being the Son of* SIR ALEXANDER STEWART of DERNELEY, *or the Brother of* SIR JOHN STEWART of DERNELEY, *the Conſtable of the Scottiſh Army in France.*

TOWARDS the beginning of theſe obſervations there has been inſerted the Genealogical Table drawn up by Mr. Williams, for illuſtrating the Earl of Galloway's pretenſions, and the arguments which had been uſed for proving that his anceſtor Sir William Stewart of Jedworth was the ſon of Sir Alexander, and the brother of Sir John Stewart of Derneley.

That the evidence now to be given in refutation of theſe ſuppoſitions may be the better underſtood, it will therefore be proper here to inſert a true and accurate Genealogical Table of the Stewarts of Derneley, beginning with Sir John Stewart of Bonkyl, the brother of James the High Stewart of Scotland, and ending with Sir John Stewart of Derneley, and his brother Sir William, who were killed in France in 1429, comprehending at the ſame time what is believed to be the true account of the anceſtors of Sir William Stewart of Jedworth.

GENEALOGICAL TABLE.

Sir JOHN STEWART of Bonkyl, ſometimes deſcribed of Jedwith, Brother of James the High Stewart of Scotland, killed at the Battle of Falkirk in 1298.

- Sir ALEXANDER STEWART of Bonkill, eldeſt Son of Sir John, died before the Year 1329, leaving one Son.
  - Sir JOHN STEWART of Bonkyl, Son of Sir Alexander, ſucceeded his Father before 1329, married Margaret, Daughter of Alexander of Abernethy, Knight, and was created Earl of Angus.
    - THOMAS STEWART Earl of Angus, Son of John, married Margaret St. Clare, Daughter of Sir William St. Clare of Roſlyn, by whom he had one Son.
      - THOMAS STEWART Earl of Angus, Son of Thomas, married Margaret, Daughter and Coheir of Donald Earl of Mar, died without Iſſue in 1377.
- Sir ALAN STEWART of Dreggairn, 2d Son of Sir John of Bonkyl, born towards the End of the 13th Century, and was killed at the Battle of Halidonhill 19th July 1333, leaving Iſſue,
  - Sir JOHN STEWART of Dernley, eldeſt Son of Sir Alan, died before the Month of January 1369.
    - JOHN STEWART, eldeſt Son of Sir John Stewart of Dernley, who, in Auguſt 1357, was one of the Hoſtages for the Ranſom of King David Bruce, and died before the End of October 1357.
    - ROBERT STEWART, 2d Son of Sir John of Dernley, who, on the Death of his Brother John, became, in October 1357, one of the Hoſtages for the Ranſom of King David Bruce, and died, while Hoſtage in England before 1369, without Iſſue.
  - WALTER STEWART, 2d Son of Sir Alan, died without leaving Iſſue Male.
  - ALEXANDER STEWART of Dernley, 3d Son of Sir Alan, ſucceeded to the Dernley Eſtates before 1371, and died after 1374.
    - Sir ALEXANDER STEWART of Dernley, Son of Alexander, and Grandſon of Sir Alan, married Dame Janet Keith of Galſtoun, by whom he had five Sons and one Daughter, and died between 1399 and 1404.
      - Sir JOHN STEWART of Dernley, the firſt Lord of Aubigny, eldeſt Son of Sir Alexander, ſucceeded his Father before 1404, diſtinguiſhed himſelf in the Service of Charles the VIIth of France, and was killed during the Siege of Orleans in February 1428-9.
      - Sir WILLIAM STEWART of Caſtlemilk, Miles, who lived during part of the 14th and 15th Centuries, was killed in the ſame Battle with his Brother Sir John, and left Iſſue ſeveral Sons.
- Sir WALTER STEWART of Dalſwinton, 3d Son of Sir John of Bonkyl, who got the Barony of Garlies from John Randulph Earl of Murray.
  - JOHN STEWART of Dalſwinton, Son of Walter.
    - WALTER STEWART of Dalſwinton, Son of John, died without Iſſue Male, leaving a Daughter his Heir.
      - MARION STEWART, Daughter of Walter, married in 1396 John Stewart, Son of Sir William Stewart of Jedworth, and from this Marriage the preſent Earl of Galloway is lineally deſcended.
- JOHN STEWART of Jedwith, deſcribed in the Chartulary of Kelſo in 1323 as Bailiff of the Abbot of Kelſo.
  - JOHN DE FORRESTA from Scotland, mentioned in a Safe-conduct from the King of England on 26th January 1368.
    - Sir WILLIAM STEWART of Jedwith, ſometimes deſigned de Forreſtâ, taken Priſoner at Homildown in 1402, and executed ſoon thereafter.
      - JOHN STEWART, who in 1396 married Marion, Daughter and Heireſs of Sir Walter Stewart of Dalſwinton, and died between 1418 and 1420.

From a comparifon of the preceding Genealogical Table with that drawn up by Mr. Williams, it will eafily be perceived that they differ from each other in almoft every article of the defcendants from Sir Alan Stewart of Dreggairn, the root of the Derneley family; and that the truth of the facts ftated in the one of thefe Tables muft neceffarily exclude the truth of thofe ftated in the other. It muft therefore be fubmitted to the judgment of impartial inquirers, which of thofe two Tables is the beft fupported by proofs. It will be found that there are folid and irrefiftible proofs in fupport of every article in the laft of thefe Genealogical Tables; while the other is founded entirely upon fuppofitions and conjectures, which, however ingenious the reafoning may be, will certainly be found to be void of folid foundation.

There are a few points which when folidly eftablifhed, would of themfelves be fufficient to refute the articles contained in the firft of thefe genealogical Tables, and to overturn the imaginary fyftem, of making Sir William Stewart of Jedworth the fon of Sir Alexander and the brother of Sir John Stewart of Derneley, and of continuing the exiftence of that Sir William Stewart of Jedworth down to the year 1429.

In the firft place, if the proofs already given of Sir William Stewart of Jedworth having been taken prifoner at the battle of Homildown in the year 1402, and of his having been tried, condemned, and executed foon thereafter, are true; (and that they are fo cannot be denied, without denying hiftorical facts the beft afcertained;) then it muft be allowed that Sir William Stewart, who died in the year 1402, could not be the fame Sir William Stewart who was killed in the year 1429, during the fiege of Orleans. But it is a certain fact, afcertained beyond a doubt, that Sir John Stewart of Derneley, who was killed at the battle of Harrans, in the year 1429, had a brother, Sir William Stewart, who was killed in the fame battle with him; therefore it neceffarily follows, that Sir William Stewart of Jedworth could not poffibly be the brother of Sir John Stewart of Derneley, and, confequently, that there was another Sir William Stewart who was the brother of that Sir John Stewart.

2dly,

2dly, The ſame inference will ariſe from another circumſtance relating to the hiſtory of Sir William Stewart of Jedworth. In the year 1390, upon the 8th of December, there was a charter granted by John Turnbull of Minto, of the lands of Minto, in favor of Sir William Stewart of Jedworth, knight, wherein John Turnbull deſcribed Sir William Stewart as "*nepos ſuus;*" by which it is preſumed he meant his nephew. If John Turnbull was uncle to Sir William Stewart, he muſt have been the brother either of the father or the mother of Sir William Stewart—of the father it could not be, as the father's name was Stewart: then the mother of Sir William Stewart of Jedworth muſt have been of the name of Turnbull, and ſiſter of John Turnbull of Minto.—But this is totally inconſiſtent with Sir William Stewart of Jedworth being ſon of Sir Alexander Stewart of Derneley; for nothing is more certain than that the wife of the ſecond Sir Alexander, and the mother of Sir John Stewart of Derneley, and of his other children, was Dame Janet Keith of Galſtoun.

To avoid this difficulty, of which Mr Williams ſeems to have been aware, he ſuppoſes, that Sir Alexander Stewart of Derneley, the huſband of Janet Keith, muſt have been twice married, and that his firſt wife may have been of the Turnbull family, and have produced to him Sir William Stewart of Jedworth, by *which* means he would be the ſon of Sir Alexander Stewart of Derneley: but of this firſt imaginary marriage of Sir Alexander Stewart there is not a veſtige of evidence, neither is it ſaid or inſinuated by any author whatever.

If it could be ſuppoſed that Sir Alexander Stewart of Derneley had been firſt married to a perſon of *the* name of Turnbull, and that of that marriage there had been a ſon, to wit, Sir William Stewart of Jedworth, then that ſon muſt neceſſarily have ſucceeded to the Derneley eſtate, which by ſolemn deeds executed in the years 1356 and 1362, by Robert the Stewart of Scotland, was entailed on Alexander Stewart of Derneley and his heirs male for ever; and unqueſtionably the ſon of the firſt marriage muſt have been preferable to the ſons of the ſecond marriage. But as Sir John Stewart of Derneley, ſon of the marriage between Sir Alexander Stewart and Dame Janet

Keith, ſucceeded to the Derneley eſtate immediately on the death of his father, that neceſſarily proves that Sir Alexander had no ſon of a prior marriage. This argument ſeems to be concluſive, more eſpecially as it cannot be pretended that Sir William Stewart of Jedworth could have been the ſon of Sir Alexander Stewart of Derneley by a ſecond marriage; for it is eſtabliſhed beyond the reach of doubt, that Sir Alexander, who married Dame Janet Keith, died many years before her, and there are many deeds executed by her ſubſequent to his death mentioning that they were granted in her widowhood; therefore if Janet Keith was the mother of Sir John Stewart of Derneley the eldeſt ſon, ſhe muſt alſo have been the mother of all his other ſons, of whom there were ſeveral; and it is well aſcertained that one of them was William, who was killed at the ſiege of Orleans at the ſame time with his brother.

After two ſuch concluſive proofs, it is almoſt ſuperfluous to take notice of any other circumſtances which operate againſt Mr. Williams's ſuppoſition of Sir William Stewart of Jedworth being the ſon of Sir Alexander Stewart of Derneley; but there are other circumſtances which tend to the ſame concluſion.

In point of chronology it would be very difficult to make Sir William Stewart of Jedworth the ſon of Sir Alexander Stewart of Derneley, who married Dame Janet Keith; for it is to be obſerved, that Sir William Stewart of Jedworth had a ſon John marriageable, and actually married in the year 1396, as appears from the contract of marriage dated 13th October 1396, by which it was agreed between Sir Walter Stewart, Lord of Dalſwinton, on the one part, and Sir William Stewart, Sheriff of Teviotdale, on the other, that John Stewart, the ſon and heir of the aforeſaid Sir William, ſhould have to wife Marion the daughter of the aforeſaid Sir Walter, and *that the matrimony ſhould be fulfilled between them before Candlemas then next to come in the year* 1397. Suppoſing then that John Stewart the ſon of Sir William was only of the age of 21 at the date of the marriage contract to Marion Stewart in 1396, that would draw back his birth to the year 1375; then ſuppoſing that his father, Sir William Stewart of Jedworth, was of the age only of 21 at the birth of his ſon John, that would draw back the birth of Sir William Stewart of Jedworth to the year 1354. And

pro-

proceeding upon the ſame ſcale of moderate calculation, by ſuppoſing that Sir Alexander Stewart, the ſecond of that name, was but 21 years old at the time of the birth of Sir William Stewart of Jedworth, if he was his ſon, that would draw back the birth of the ſecond Sir Alexander Stewart to the year 1333. And ſtill proceeding upon the ſame moderate ſcale of calculation, let it be ſuppoſed that the firſt Sir Alexander Stewart, the father of the ſecond Sir Alexander and the ſon of Sir Alan was but 21 years old at the birth of his ſon Alexander, that would draw back the birth of the firſt Alexander to the year 1312; and as Sir Alan had two ſons, John and Walter, elder than Alexander, beſides a daughter, that would draw back the marriage of Sir Alan to ſeveral years before 1312. Now it does not ſeem at all probable that Sir Alan Stewart, killed at the battle of Halidonhill in the year 1333, had been a married man in the beginning of that century, or that he had a grandſon alive at the time of his death in 1333, eſpecially as it is known that his ſon, the firſt Sir Alexander, did not die till after the year 1374; but the improbability would be greatly increaſed, if a larger allowance were made for the ages at which the heads of the family during the four ſucceſſive generations above-mentioned had each of them a ſon. In ſhort, to make it poſſible that Sir William Stewart of Jedworth could have been the ſon of the ſecond Sir Alexander Stewart of Derneley, there muſt be many ſtrained ſuppoſitions of poſſibilities, inſtead of reſorting to probabilities; and it muſt be ſuppoſed that the ſecond Sir Alexander Stewart had in the courſe of about forty years from his marriage, a grandſon by Sir William Stewart of Jedworth marriageable and actually married in the year 1396, even before Sir John Stewart of Derneley, the eldeſt ſon of Sir Alexander and the heir of his eſtate, was married, or juſt about the time of his marriage.

On looking at the Genealogical Table laſt above inſerted, wherein all the generations from Sir John Stewart of Bonkyl are particularly ſtated, it will appear that Sir William Stewart of Jedworth, inſtead of being the ſon of the ſecond Sir Alexander Stewart of Derneley, was in a generation cotemporary with him, and that John Stewart, the ſon of Sir William of Jedworth, who married Marion the heireſs of Dalſwinton, as well as Marion herſelf, were in a generation preciſely contemporary with Sir John Stewart of Derneley, the eldeſt ſon of Sir Alexander. It would be prepoſterous, therefore, for

many

many reafons, to fuppofe that Sir William Stewart of Jedworth, the father of John, could be the fon of Sir Alexander Stewart of Derneley.

Upon the other fuppofition, of John Stewart, the hufband of Marion Stewart, being a contemporary, and about the fame age with Sir John Stewart of Derneley, all thefe abfurdities and ftrained fuppofitions are avoided; then it will appear that John, the fon of Sir William Stewart of Jedworth, was of the fame age, and married about the fame time with Sir John Stewart of Derneley: and the chronological events fubfequent to that time will alfo better correfpond; for that John Stewart, the fon of Sir William of Jedworth, died in the year 1418, leaving a fon, William Stewart, Lord of Dalfwinton, who was then either of age or near to it, and was knighted before the year 1429, as in that year he was defcribed William Stewart of Dalfwinton, miles. On the other hand, Sir John Stewart of Derneley, the eldeft fon of Sir Alexander, lived till the year 1429, when he was killed in battle; and therefore inftead of being confidered, as in Mr. Williams's fuppofition, uncle to John Stewart, who died in the year 1418, leaving a fon advanced in life, may well be confidered as the contemporary of that John Stewart.

Another circumftance which operates againft the fuppofition of Sir William Stewart of Jedworth having been the fon of Sir Alexander Stewart of Derneley, is, that in all the charters from the Crown, or from the Stewart of Scotland, in favor of Sir John Stewart of Derneley, the fon of Sir Alan, or of his brother Sir Alexander Stewart, or of his fon the fecond Sir Alexander Stewart, the hufband of Dame Janet Keith, they are always defcribed as coufins to the Kings of Scotland; but though there are many charters extant from King Robert the II. and King Robert the III. in favor of Sir William Stewart of Jedworth, he is never in any one of *thefe defcribed* as coufin, but only as dilectus et fidelis nofter. This would not have happened if he had been the fon of Sir Alexander Stewart of Derneley, who, as well as his fon Sir John Stewart of Derneley, was uniformly defcribed as confanguineus regis. And it is the more remarkable, that feveral of the grants from the Crown in the beginning of King Robert the third's reign in favor of Sir William Stewart of Jedworth, wherein he is defcribed only dilectus et fidelis nofter, were precifely at the fame period when the king in other charters defcribed Sir Alexander Stewart of Derneley as dilectus confanguineus fuus.

Thus

Record of Charters, Roll 10. No. 11.

Thus it was that in a charter dated in the year 1391, granted by King Robert the III. to Thomas de Somerville and to Janet Stewart his wife, of the lands of Canmethan; the King, in ſpeaking of Sir Alexander Stewart of Derneley, the preceding proprietor of theſe lands, deſcribes him as his beloved couſin.

About the very ſame period there were various charters in favor of Sir William Stewart of Jedworth, viz.

1ſt, A charter from King Robert II. to William Stewart of Jedworth, of the lands of Synlaw, dated 2d July 1385.

2d, A charter by King Robert the III. to Sir William Stewart of Jedworth, of the lands of Minto, dated 4th January 1391.

3d, A grant by King Robert III. to Sir William Stewart of Jedworth, of 40 merks ſterling, dated 27th March 1392.

4th, A charter by King Robert III. to Sir William Stewart of Jedworth, of certain lands which had belonged to George Abernethy, dated 8th November 1392.

Notwithſtanding theſe grants from the Crown in favor of Sir William Stewart of Jedworth were all of them ſo very near to the ſame period in 1391, when Sir Alexander Stewart of Derneley was in the royal charters deſcribed as couſin to the king, yet there is not a ſingle inſtance of Sir William Stewart of Jedworth being ſo deſigned.

This could not have happened, if he, Sir William Stewart of Jedworth, had really been the ſon of Sir Alexander Stewart of Derneley, as ſuppoſed by Mr. Williams; the more eſpecially, as Sir William Stewart of Jedworth was a man of great eminence, diſtinguiſhed by his military exploits and abilities, and in great favor at the court of King Robert III. where, if he had been the ſon of Sir Alexander Stewart of Derneley, that circumſtance would not have been unknown at court, nor would the deſcription of couſin to the King have been withheld from him.

But without reſorting to a collateral proof of this ſort, the proofs given in the preceding part of theſe obſervations, which ſhew that Sir William Stewart of Jedworth was taken priſoner at the battle of Homildown in 1402, and that he was tried, condemned, and executed, either in 1402 or 1403; and the proof, that he could not be the ſon of Sir Alexander Stewart,

Stewart and Dame Janet Keith, becaufe his mother was of the name of Turnbull, and fifter of John Turnbull of Minto; and the evidence arifing from the age and circumftances relating to Sir William Stewart of Jedworth, and to his fon John, married in 1396,—each of thefe different branches of evidence is, of itfelf, conclufive to prove, that Sir William Stewart of Jedworth could not be the fon of Sir Alexander, or the brother of Sir John Stewart of Derneley, and of courfe, when taken jointly, the force of them muft be irrefiftible for proving that propofition."

[*End of the firft Paper communicated to Mr. Williams in November* 1794.]

In the fame month of November 1794, the following Paper was alfo communicated to Mr. Williams, for the behoof of the Earl of Galloway.

MEMORIAL concerning the Pedigree of Sir William Stewart of Jedworth, the Paternal Anceftor of the Earl of Galloway.

In a feparate Paper, intitled "Obfervations upon the Papers drawn up by Mr. Williams on behalf of the Earl of Galloway," it has been fhewn, that Sir William Stewart of Jedworth, the anceftor of Lord Galloway, could not poffibly have been the fon of Sir Alexander Stewart of Derneley who died about the year 1400, nor the brother of Sir John Stewart of Derneley who was killed in France in the year 1429. But it now remains to fhew, who Sir William Stewart of Jedworth really was, that is to fay, to trace his pedigree from the moft authentic documents that can be difcovered.

Towards the end of the fecond volume of Nefbit's Heraldry, there are hiftorical and critical remarks on Prynne's Hiftory, fo far as concerns the fubmiffion and fealty fworn by the generality of the Scottifh nation to King Edward I. of England, in 1296, 1297, &c. commonly called the Ragman Roll; and in page 2d of thefe remarks there is the following article:

"*John Senefcall de Jedwith:* He, in the opinion of a very great anti-
"quary*, was the fame John Stewart, who is in other places of this fealty

* Mr. David Symfon, Hiftoriographer of Scotland.

"defigned

" designed *frater germanus Jacobi Senescalli Scotiæ*, grandfather to King
" Robert II. and was the root of the Stewarts of Buncle, and the same
" brave gallant man that was slain in the service of his country at the battle
" of Falkirk, anno 1298. He had many sons, of whom sprung a great
" many illustrious branches of the serene race of the Stewarts. Sir Alex-
" ander Stewart, his eldest son, designed of Buncle, was, upon the for-
" feiture of the English family of the Umphraville's, created Earl of Angus,
" in the 1327. Sir Alan, another son, was the stem of the noble
" family of the Stewarts of Derneley, from whom flowed the Earls and
" Dukes of Lennox, which failed in the 1672, to whom his Majesty
" King Charles II. succeeded, as his nearest and lawful heir male. Sir
" Walter Stewart, the third son, of whom the Stewarts of Dalswinton;
" of whom are the house of Garlies, the Earls of Galloway, by an heir
" of line and at law. Sir James Stewart of Pierstoun in Cunninghame, of
" which Innermeath, Lorn, both Lords of Parliament, Rosyth and Cragie-
" hall, Gairntully and several of the illustrious families of the Stewarts, are
" branched. *John Stewart of Jedwith was the youngest son that I have*
" *seen any authentic voucher for:* he is designed, *Johannes Senescallus de*
" *Jedwith*, and is baillie to the Abbot of Kelso, in the 1323.—*William*
" *Stewart of Jedwith, and sheriff of Teviotdale, his son or successor*,
" in the reign of King Robert III. married his eldest son and heir apparent
" to Mariotta Stewart, only daughter and heir of Sir Walter Stewart of
" Dalswinton, anno 1397; of this double race of the Stewarts is the Earl
" of Galloway, as he is also of an heir female of another brother, as we
" have observed in this criticism."

In the same Historical Remarks, page 30, there is the following article:
" *John le Senescall de Jedwith*; if this be not Sir John Stewart of
" Buncle, as is generally agreed by our antiquaries, it must be a very
" ancient branch of the Stewarts: but, I conjecture, 'tis Sir John of Buncle,
" the same called *frater germanus Jacobi Senescalli Scotiæ*, swearing submission
" to the English, for different lands he held in different counties. There is in
" the 1323, a *John Senescall de Jedwith*, baillie to the Abbot of Kelso,
" *whom, we reckon, was Sir John's youngest son, and one of the Earl of*
" *Galloway's progenitors.*"

There

There is a Manuſcript Hiſtory of Lord Galloway's family, which was drawn up by George Crawford the antiquary, under the following title: "The "Genealogical and Hiſtorical Deduction of the Stewarts of Dalſwinton "and Garlies, now Lord Garlies, and Earls of Galloway, from charters "and other authentic vouchers, from the reign of Alexander III. till the "preſent time—for near 500 years." In that Hiſtory there is the following paragraph:

"Sir Walter Stewart of Dalſwinton died ſoon after the 27th of April "1399, and his daughter Mariotta aforeſaid became his heir, being then "married to John Stewart, ſon and heir of Sir William Stewart of Jedwith, ſheriff of Teviotdale. *His father was John Stewart of Jedwith, "youngeſt ſon of Sir John Stewart of Buncle*, and got off in patrimony "the lands of Jedwith from his father. In the Chartulary of Kelſo I find "this gentleman, *John Seneſcalli de Jedwith*, ſitting as judge, and bailiff "to the Abbot of Kelſo, in the year 1323. Mr. Symſon, that accurate "antiquary on the Royal Family, eſpecially with reſpect to the Stewarts "of Dalſwinton and Garlies, expreſsly mentions a John Stewart, as one "of the ſons of Sir John Stewart of Buncle, and that he was brother to "Sir Alexander Stewart, the firſt Earl of Angus; Sir Alan Stewart, the "firſt of the Derneley and Lennox branch; Sir Walter of Dalſwinton; "Sir James Stewart of Pierſtoun; of whom the Stewarts of Lorn, "Innermeath, Athol, Buchan, and Garntilly are all lineally deſcended. "Beſide the teſtimony of Mr. Symſon, which I think is of no little "weight, the lands of Jedwith being in the perſon of Sir John Stewart of "Buncle himſelf, and ſo ſoon thereafter in the hands of another *John "Seneſcalli de Jedwith*, who is not a knight, its ſomewhat more than a "preſumption, eſpecially *in re tam antiqua*, that he was no other than Sir "John Stewart of Buncle's ſon, and ſo a branch of the family of Lennox, "who came to repreſent Sir John Stewart of Buncle as his heir male; "and this the Sovereign himſelf acknowledges, that the houſe of Garlies "was branched from the Duke of Lennox family, in the patent creating "Alexander Stewart of Garlies, Lord Garlies, 1609. He married a lady "of the family of *Turnbull*, of the houſe of Minto, by whom he had a "ſon who was his ſucceſſor in the lands of Jedwith, to wit,

" *Sir William Stewart of Jedwith*, who made a very confiderable figure
" in moft of the great tranfactions between the two kingdoms of Scotland
" and England during the reign of King Robert the 3d. The firft time
" he is to be met with in any public act or deed that I have feen, is in a char-
" ter granted to him by Joannes de Turnbull, miles, &c. whereby he gives
" and difpones dilecto nepoti fuo Willielmo Senefcalli terras de Minto et
" Morbelle; which is confirmed by King Robert the 3d, by a charter under
" the great feal, anno 1390."

Then Crawfurd's Manufcript Hiftory, after relating that both the Earl of Douglas and Sir William Stewart of Jedwith were made prifoners at the battle of Homildown, proceeds thus:

" Some of the prifoners were ranfomed, but upon Sir William Stewart
" the Englifh were very fevere; for though in equity and juftice he ought
" not to have been confidered otherways than as a prifoner of war, as the
" reft of his countrymen; yet, as I conjecture, and not without juft grounds,
" Sir Henry Percy, the Englifh general, calling to mind Sir William
" Stewart's behaviour in the breaking down of the bridge of Roxburgh as an
" invafion, or rather an open breach of the truce, which was then in being
" betwixt the two nations, and for that reafon appointed him to be tried cri-
" minally by law. The jury, though Englifhmen, at firft affoilzied [acquitted]
" him of the crimes laid to his charge; but the Lord Percy, who had a parti-
" cular refentment againft him, becaufe he was a good Scotfman and hearty
" enemy to the Englifh, threatened the jury a fecond time to enclofe and to
" find and declare him a traitor; and he fuffered death accordingly, and
" fell a facrifice to the refentment of the Lord Percy; which cannot but be
" cenfured in the conduct of a great man, to treat even a brave man, though
" an enemy, in fo unworthy and inhumane a manner."

Douglas, in his Peerage of Scolland, under the title of " Galloway," page 278, concurs in the fame account of the defcent of Sir William Stewart of Jedwith. The words in Douglas are, " Dame Marion Stewart, daughter
" and fole heirefs of Sir Walter Stewart of Dalfwinton and Garlies, married
" her coufin John Stewart, fon of Sir William Stewart of Jedburgh, fheriff
" of Teviotdale, and one of the greateft heroes of his time. He was fon of
" Sir John Stewart of Jedburgh, *fourth fon of Sir John Stewart of Bonkill*,

" younger

" younger brother of Sir Walter of Dalſwinton, great-grandfather of this
" Marion."

" He, in right of his wife, became poſſeſſed of the lands and baronies of " Dalſwinton, Garlies, &c. which appears by their contract dated anno " 1396; and of this marriage the preſent Earl of Galloway is the lineal " heir male."

All the preceding authors concur in the ſame account of the deſcent and pedigree of Sir William Stewart of Jedworth; the only doubtful point amongſt them is, that ſome of them have ſuppoſed James Stewart of Pierſtoun to have been the fourth, and John Stewart of Jedworth to have been the fifth ſon of Sir John Stewart of Bonkill; whilſt there are others who have aſſerted that John Stewart was the fourth and James Stewart the youngeſt ſon of Sir John. This laſt opinion ſeems to be the moſt accurate, which gives the ſeniority to John the anceſtor of Lord Galloway.

No author down to the preſent time, has ever entertained an idea that Sir William Stewart of Jedworth or Teviotdale, the paternal anceſtor of the Earl of Galloway, was the ſon of Sir Alexander Stewart of Derneley. On the contrary, it appears they were uniform in their opinions that he was deſcended from John Stewart of Jedworth, one of the younger ſons of Sir John Stewart of Bonkill, the brother of James the High Stewart of Scotland. In one particular they ſeem to have been miſtaken, in ſuppoſing him to have been the immediate ſon of that John Stewart of Jedworth, and the grandſon of Sir John Stewart of Bonkill, who was killed at the battle of Falkirk in the year 1298; for that would be allowing more than one hundred years for two generations, from the death of Sir John Stewart in 1298 to the death of Sir William Stewart at the battle of Homildown in 1402, which is contrary to the chronological rules of calculation in matters of this ſort. And as it is ſuppoſed that John Stewart of Jedworth, who was bailiff to the Abbot of Kelſo in 1323, was the ſame perſon who was killed at the battle of Halidon-hill in 1333, it is not very probable that the ſon of that perſon, even ſuppoſing him to have been young in the year 1333, could have been fighting battles at the diſtance of ſeventy years after the death of his father. But in the point now under diſcuſſion, it is of no conſequence whether John Stewart, killed at the battle of Halidonhill in 1333, was the ſame perſon

with John Stewart mentioned as bailiff to the Abbot of Kelſo in 1323; for his father Sir John Stewart of Bonkill and Jedworth having died in the year 1298, John the bailiff of the Abbot of Kelſo muſt have been ſo far advanced in life in 1323 as to make it improbable that he ſhould have had a ſon fighting battles in 1402. Therefore, there ſeems to be a neceſſity for ſuppoſing an intermediate generation between John Stewart of Jedworth, the ſon of Sir John of Bonkill, and Sir William Stewart of Jedworth or Jedworth Foreſt, killed at Homildown in 1402. But for ſupplying that intermediate generation, there is an article in Rymer's Fœdera, vol. vi. page 584, ſhewing that upon the 26th of January 1368, a ſafe-conduct was granted by the King of England to John of *the Foreſt* to come from Scotland to England.—The deſcription is "*Johanni de Foreſtâ, armigero de Scotiæ,* cum uno "equite." There is great reaſon to preſume that this article related preciſely to John Stewart of *Jedworth Foreſt*, or Jedwith; and if ſo, it will remove any difficulties with regard to the chronological pedigree of Sir William Stewart of Jedworth Foreſt, by making him the great-grandſon, inſtead of the grandſon of Sir John Stewart of Bonkill; for it would not have been at all probable that Sir John Stewart of Bonkill, killed at the battle of Falkirk in 1298, ſhould have had a grandſon fighting battles at the diſtance of 104 years after that period, as was the caſe with Sir William Stewart of Jedworth, who was taken priſoner at the battle of Homildown in 1402. But the additional generation diſcovered by means of the article in Rymer in the year 1368 removes the difficulty; for there is nothing improbable in Sir John Stewart of Bonkill having a great-grandſon who lived till the year 1402*.

The facts concerning Sir William Stewart of Jedworth—his being taken priſoner at the battle of Homildown in September 1402—and his being ſoon thereafter tried, condemned, and executed, have been fully eſtabliſhed in the ſeparate paper intitled "Obſervations upon the Papers drawn up by "Mr. Williams." Referring to the proofs therein ſtated, it is unneceſſary

* It is to be remarked, that Neſbit ſeems to have been aware of the chronological difficulty, in ſuppoſing Sir William Stewart of Jedworth to have been the immediate ſon of John Stewart of Jedworth, the youngeſt ſon of Sir John Stewart of Bonkyl; for he expreſſes himſelf more cautiouſly, by ſaying, that William Stewart of Jedwith, ſheriff of Teviotdale, was the ſon *or ſucceſſor* of John Stewart of Jedworth, the bailiff of the Abbot of Kelſo, in 1323.

here

here to repeat them ; and it may be aſſumed as a certain fact, that Sir William Stewart of Jedworth died either in the year 1402, or, at the lateſt, in the beginning of the year 1403 ; for he was taken priſoner at Homildown on 14th September 1402, and ſoon thereafter, at the inſtance of Hotſpur Percy, was tried, condemned, and executed ; but Hotſpur himſelf was killed at the battle of Shrewſbury on 21ſt July 1403 ; therefore Sir William Stewart's trial and execution muſt have preceded that date.

In March 1403, about ſix months after the battle of Homildown, Henry IV. of England made a grant to the Earl of Northumberland of all the Lordſhips and Eſtates in Scotland which had been poſſeſſed by the three laſt Earls of Douglas, or by the preſent Earl, or by his mother Johanna ; and the grant alſo comprehended the county of Teviotdale, as a reward to the Percy family for their late ſucceſsful expedition againſt the Scots. This is related in Redpath's Border Hiſtory, where he refers to Rymer's Fœdera, vol. viii. pages 289 and 290.

Hence it appears, that the King of England had confiſcated or ſeized the eſtates of the Earl of Douglas, and that he had likewiſe ſeized the comitatus and lordſhip of Teviotdale, which comprehended the lands and eſtate of Sir William Stewart of Teviotdale ; for the Earl of Douglas and Sir William Stewart had rendered themſelves particularly obnoxious to the Engliſh King by their devaſtations in the north of England before the unfortunate battle of Homildown.

It is probable that the eſtates of the Earl of Douglas remained thus confiſcated for ſeveral years, for the Earl remained priſoner in England during ſeveral years after the battle of Homildown. It was at laſt agreed that a thouſand merks ſhould be paid for his liberation ; whereof ſeven hundred merks were paid in the year 1413, as appears by a diſcharge for that ſum granted in the firſt year of Henry V. of England, in theſe words :—“ Acquietantia pro ſeptingentis marcis in partem ſolutionis “ mille marcarum pro liberatione Archibaldi comitis Douglas priſonarii “ Regis.”

Sir Joſeph Ayloffe's Calendar of Ancient Charters, page 269.

With regard to Sir William Stewart of Jedworth, as he had been tried, condemned, and executed in England ſoon after the battle of Homildown, upon the pretence of his having been guilty of high treaſon, there

there can be little doubt that the King of England, who ſeems at that time to have acted as Sovereign Lord of the comitatus and dominium of Teviotdale, would lay hold of and confiſcate the eſtate of Sir William Stewart of Jedworth and Teviotdale; whence it is moſt probable, that John, the ſon of Sir William Stewart of Jedworth, did not for many years reap much benefit from his ſucceſſion to his father; but his marriage to Marion Stewart the heireſs of Dalſwinton, had, before the death of his father, put him in poſſeſſion of a very conſiderable fortune in Dumfriesſhire, which devolved upon him on the death of Sir Walter Stewart of Dalſwinton, his father-in-law, about the year 1399 or 1400.

This John Stewart, the ſon of Sir William of Jedworth, never took the title either of Jedworth, or the Foreſt, or of Teviotdale, or of Minto, but was deſigned Lord of Dalſwinton.

Accordingly, there is ſtill extant, and in the poſſeſſion of Mr. Murray of Broughton, an original deed of renunciation by John Stewart and Marion his wife, dated at Gyrton the 31ſt of October 1418, in which he is thus deſigned:—" Be it known by theſe preſent letters, me " John Stewart knight, Lord of Dalſwinton, with conſent of Marion my " wife to have quit-claimed, from us and our heirs, unto Sir John " Stewart of Gyrton and his heirs, all claim of right that by any manner of " ways we or our heirs had or might have in time to come of the barony " of the Calie, lying within the regality of Galloway and ſtewartry of Kirk- " cudbright *."

There

* This renunciation, dated at Gyrton the laſt of October 1418, was ſigned before theſe *witneſſes*; " *A hie* and mightie Lord Archibald, Erle of Douglas, Lord of Galloway, " and of Annandyrdale, Schir Villiam of Douglas of Drumlangryg, Schir Alexander of " Gordoyn, John Durand knyt, vyt oyers mony."

There is alſo in the poſſeſſion of Mr. Murray of Broughton, an original charter by the ſaid Archibald Earl of Douglas, dated at Edinburgh the 6th of February 1418, which in modern ſtyle is 1419; by which the Earl gave and confirmed to his beloved couſin Elizabeth Stewart, daughter of Sir John Stewart of Gyrton, all thoſe lands of Killick, with the pertinents, which belonged to the *deceaſed* Sir John Stewart, father of the ſaid Elizabeth, lying in the conſtabulary of Kircudbright, and ſhire of Dumfries.

Hence

There is certain proof that John Stewart, Lord of Dalſwinton, the huſband of Marion Stewart, who granted the ſaid renunciation in October 1418, had died either in the courſe of that or of the next year, or at lateſt in the beginning of the year 1420; for it appears from the Records in Scotland, that upon the 28th of October 1420 there was a charter granted by Murdoch Duke of Albany, as Governor of the kingdom, in favor of Harbart Maxwell of Carlaveroch, of the lands of Garnſalloch, &c. lying within the barony of Dalſwinton and ſhire of Dumfries, which lands were therein ſtated to have pertained heretably to Marion Stewart of Dalſwinton, and to have been reſigned by her *in her widowhood*, " ſua pura viduitate," in favors of the ſaid Harbart de Maxwell.

Here it may be obſerved by the bye, that Mr. Williams has ſuppoſed that John Stewart of Dalſwinton had gone to France in the year 1419, along with the forces from Scotland, and that he had fallen in battle in the courſe of the firſt campaign; and further has ſuppoſed, that becauſe the ſaid renunciation of his right to the lands of Callie contained a clauſe ſtipulating that theſe lands ſhould be redeemable on depoſiting twelve hundred marks, that therefore the ſale of the lands of Callie was intended to defray a part of Sir John Stewart of Dalſwinton's expences in the expedition to France, and the charges incurred by raiſing his contingent of troops. The anſwer to all which ſuppoſitions is, that there is not a veſtige of evidence, or even of probability, in favor of any one of them. There is no clauſe of redemption in Sir John Stewart's renunciation in favor of Sir John Stewart of Gyrton, and the mention therein made of twelve hundred marks is not that the lands ſhould be redeemable for that ſum, but it is a penalty of twelve hundred marks, which Sir John Stewart of Dalſwinton and his heirs were to pay Sir John Stewart of Gyrton and his heirs, in caſe they ſhould ever act contrary to the renunciation then made.

Hence it appears that Sir John Stewart of Gyrton, in whoſe favour John Stewart, Lord of Dalſwinton, had granted the beforementioned renunciation, upon the 31ſt of October 1418, had died before the 6th of February 1419.

MEMORANDUM.—One of the witneſſes to this charter of the Earl of Douglas, upon the 6th of February 1419, is John Stewart, Earl of Buchan, the very perſon who commanded the Scots forces in the firſt expedition to France. It was ſubſequent to this date therefore at leaſt that the firſt expedition to France took place.

With

With regard to Sir John Stewart of Dalſwinton being engaged in the expedition to France, no author has ever ſaid or inſinuated any ſuch thing, neither is there any manner of evidence for it. Mr. Williams has ſuppoſed it probable, that both Sir William of Jedworth and his ſon Sir John of Dalſwinton were upon the French expedition, becauſe Archibald Earl of Douglas, their ſuperior and patron, was the Commander of it. But the fact is, that Archibald Earl of Douglas was not of the firſt expedition to France in the year 1419; he never was in France till the year 1423; therefore it was impoſſible that John Stewart, who, it has been ſhewn, died before the year 1420, could have attended the Earl of Douglas there. Nor could Sir William Stewart, the father of John, have attended the Earl of Douglas, as it has been ſhewn that the life of Sir William Stewart ended in the year 1402.

Even the very firſt expedition to France, to which the Earl of Douglas did not belong, and which was commanded by John Stewart, Earl of Buchan, the ſon of the Duke of Albany, did not take place till the end of the year 1419, or the beginning of the year 1420; and there was no action in France, in which the Scots troops were engaged, till the year 1421, at the battle of Beaugé, which was on the 22d of March 1421. Therefore, the whole of the ſtory of Sir John Stewart of Dalſwinton's expedition to France, and of his having been killed in the firſt campaign there, falls to the ground; and there is no reaſon to believe that he died any where elſe than in Scotland; and, moſt probably, in the courſe of the year 1419—moſt certainly, before the date of the ſaid charter of confirmation, in October 1420.

Marion Stewart, the wife of Sir John of Dalſwinton, ſurvived her huſband many years, and took for her ſecond huſband Sir John Forreſter of Corſtorphin.

To Sir John Stewart of Dalſwinton ſucceeded his ſon William, who lived till the year 1477. There are not, either in the Records of Scotland or in Lord Galloway's charter cheſt, any papers which ſhew in what manner he made up his titles to the lands of Dalſwinton and Garlies, and others which belonged to his father and mother in the county of Dumfries or in Galloway; nor any which ſhew whether he ever attained poſſeſſion of

any

any lands which had belonged to his grandfather, Sir William Stewart of Jedworth, in the foreſt of Jedworth. Therefore Mr. Williams's argument in favor of the continuation of the life of Sir William Stewart of Jedworth, the grandfather, from the circumſtance of it not appearing that William Stewart the grandſon had taken infeftment of the lands of Minto till about the year 1429, falls to the ground; for the plain anſwer to ſuch arguments is, that the old papers kept in private families, and the Records in Scotland at ſo diſtant periods, are ſo incomplete, that no argument can be drawn from what *does not* now appear; ſince, upon the ſame ground, it might be preſumed, that William Stewart had never made up his titles to the lands of Dalſwinton and Garlies, which were free from any diſpute or difficulty.

It does appear, however, from ſome papers lately diſcovered in the charter cheſt of Sir Gilbert Elliot of Minto, that William Stewart, the grandſon of Sir William Stewart of Jedworth, had either been in poſſeſſion of the lands of Minto in Teviotdale in the year 1425, which was but five or ſix years after the death of his father John, or was at that time taking ſome ſteps for attaining that poſſeſſion; for in Sir Gilbert Elliot's cuſtody the following paper has been diſcovered.

An Original Notarial Inſtrument, dated 5th March 1425, atteſting that upon that date there had been convened by Walter Turnbull of Minto, ſon of the deceaſed John Turnbull of Minto, *nobilis et conſpcƈti viri*, to the number of twenty perſons, who upon oath declared, that the ſaid deceaſed John Turnbull of Minto, father of Walter, had, at the time of his making the grant of the lands of Minto in favor of Sir William Stewart of Jedworth, (to wit, in the year 1390,) been afflicted with a *leproſy*, as was publicly known in thoſe parts, and that he had contracted this *diſeaſe for the ſpace* of ſeven years before.

In that notarial inſtrument there is one thing material to be attended to, which is this: — that both John Turnbull of Minto, who had made the grant in favor of Sir William Stewart, and Sir William Stewart in whoſe favor the grant of the lands of Minto was made, are deſcribed as then *deceaſed;* for the word "quondam" is prefixed both to the name of John Turnbull of Minto and to that of Sir William Stewart; and there cannot be a doubt that in both caſes it had the ſame ſignification,

to

to wit, that Sir John Turnbull of Minto and Sir William Stewart were both of them deceaſed before the date of that inſtrument in the month of March 1425.

This deed itſelf would be ſufficient to knock up all the hypotheſes made by Mr. Williams, where he ſuppoſes that Sir William Stewart had lived down to the year 1429; and that he had been killed during the ſiege of Orleans in the ſame battle with Sir John Stewart of Derneley.

Aware of this, Mr. Williams has been at infinite pains to give to the word *quondam* a different interpretation from that which is univerſally eſtabliſhed. He firſt aſſumes it as a fact, without any proof, that Sir William Stewart had gone to France about the year 1419, and had lived there till the year 1429; and then upon this aſſumed fact he builds a ſuppoſition, that on account of his abſence from Scotland the notary in the year 1425 may have deſcribed him *as quondam* Sir William Stewart de Jedworth, not on account of his being dead, but on account of his not having been reſident in Jedworth for ſix or ſeven years paſt. It is ſufficient to ſtate an argument of this ſort without refuting it."

There are a few more pages of the preceding memorial, but it is unneceſſary to add them here, as they relate to the latter part of the Pedigree of Lord Galloway's family, which is well known and not diſputed.

ANSWERS to the Statements in the Anonymous Publication, and in the Papers made out by Mr. WILLIAMS, on the part of the EARL of GALLOWAY.

THE two preceding Papers afford ſuch a collection of facts as will enable any intelligent perſon to place in a clear point of view the merits or defects of Lord Galloway's caſe. This could not eaſily be accompliſhed without the aid of theſe papers, now for the firſt time printed; for moſt of the facts and arguments contained in them were not to be found in the Genealogical

Genealogical Hiſtory; where it was not the intention to enter into any minute diſcuſſion of the merits of Lord Galloway's pretenſions, nor to point out what might be objected againſt them.

The object of the Genealogical Hiſtory was to trace, from the moſt remote periods, the principal branches of the Stewart family, (omitting the Royal Line, which had been frequently diſcuſſed); to bring under view various ſucceſſive generations of the Stewarts of Scotland, and of the Stewarts of Derneley, Lennox, and Aubigny, concerning whom there did not exiſt any hiſtorical or genealogical account, excepting ſuch as were full of errors; it was, therefore, a particular point in view to correct thoſe errors, and to do juſtice, though in an imperfect degree, to the merits and celebrity of ſome very diſtinguiſhed characters in theſe families, whoſe names and actions, according to my eſtimation of them, ought not to ſink into oblivion. The object of the Genealogical Hiſtory explained.

In thus tracing the Genealogical Hiſtory of the Stewarts down to the preſent time, it was unavoidably requiſite to point out the line of anceſtors from whom Cardinal York was deſcended; and, at the ſame time, to ſhew what branch of the family of the Stewarts would, after his death, be the repreſentative of the Derneley branch.

The ſtatement of theſe facts naturally led my attention to this point; What families or perſons were likely to enter into the competition for that repreſentation? and as I could find none whoſe pretenſions could be brought forward with any chance of ſucceſs, excepting thoſe of Lord Galloway's family, and of the family of the Stewarts of Caſtelmilk in the county of Lanark, it became neceſſary for me to give ſome general account of the foundations of the claims competent to either of theſe parties; but it was not my intention to exhauſt that ſubject, or to enter into ſuch minute diſcuſſions as might be requiſite in a legal proceeding. It was foreſeen that if any thing of that ſort ſhould ever ariſe, Lord Galloway's pretenſions would be more fully and more ably ſet forth and elucidated than could be attempted by me, upon whom there was no call for entering into ſuch details; at the ſame time I had no heſitation to afford to Lord Galloway, or to any other claimant, an advantage which is generally reckoned to be conſiderable, that

that of laying open to them in detail the grounds on which the pretenſions of the family of Caſtelmilk reſted; which pretenſions were ſtated merely as hiſtorical facts ariſing out of the Genealogical Hiſtory, and certainly were not brought forward with any arrogance or oſtentation, or any ſymptoms of contemptible vanity, though the unknown author of the "Genealogical Hiſtory of the Stewarts refuted" has affected to aſcribe theſe qualities to that hiſtory, and has choſen to conſider it only under theſe points of view, as beſt ſuited to his purpoſe. Nay, he has in different places been pleaſed to impute to me an intention of ſtudiouſly concealing, or avoiding to diſcloſe the whole merits of Lord Galloway's caſe. Such inſinuations ſufficiently juſtify the more full account which is now given to the public; and particularly evince the neceſſity of printing the papers formerly communicated to Mr. Williams. Theſe papers were communicated in a manner which deſerved to be conſidered as friendly both to Lord Galloway and to himſelf; and which I thought would have been felt by them as much more liberal and attentive than if I had inſerted in the Genealogical Hiſtory Mr. Williams's erroneous ſtatements and conjectures, and the refutation of them.

The neceſſity of printing the papers formerly communicated to Mr. Williams.

The Earl of Galloway, I am ſure, will not complain of me, as I have been compelled, by his over-zealous advocate, to enter more fully than I had intended into the merits of his Lordſhip's caſe. It is an illuſtration of the old ſaying, that an injudicious friend is more to be dreaded and often does more miſchief than a declared adverſary.

Thoſe who attentively peruſe the two preceding papers, muſt perceive that it was eſſential for the Earl of Galloway to maintain, that his anceſtor Sir William Stewart of Jedworth was the ſon of Sir Alexander, and the brother of Sir John Stewart of Derneley; and that he engaged in the French expedition with his brother Sir John, and remained in France till 1429, when both brothers were killed in the ſame battle during the ſiege of Orleans. Without eſtabliſhing theſe facts, it was impoſſible to maintain that Lord Galloway could be the next in ſucceſſion to the Derneley family, after the death of Cardinal York. But the peruſal of the preceding papers muſt have ſuggeſted to every attentive reader, that, in oppoſition to theſe facts neceſſary to be eſtabliſhed on the part of Lord Galloway, there are various objections which, at firſt ſight at leaſt, appear to be inſurmountable.

Four material Objections to the EARL *of* GALLOWAY'*s Claim necessary to be surmounted.*

The first Objection is: That Sir William Stewart of Jedworth could not possibly be the Sir William Stewart who went to the wars in France with his brother Sir John Stewart of Derneley, in the year 1420 or 1421, and who was killed during the siege of Orleans in the year 1429; because it is ascertained by the concurring testimony of contemporary historians of the greatest credit, that Sir William Stewart of Jedworth was taken prisoner at the battle of Homildon in the year 1402, and was tried, condemned, and executed, at the instance of Hotspur Percy, immediately thereafter. Objection 1st.

The 2d Objection is: That Sir William Stewart of Jedworth could not possibly have been the son of Sir Alexander, or the brother of Sir John Stewart of Derneley; because it is ascertained, in the most unquestionable manner, that Sir Alexander Stewart of Derneley married Dame Janet Keith of Galston, who was the mother of Sir John Stewart of Derneley, and the mother of Sir William Stewart, and all the other children of Sir Alexander Stewart. But it is proved, with equal certainty, that the mother of Sir William Stewart of Jedworth was a person of the name of Turnbull, sister of Sir John Turnbull of Minto.—These facts make it, at least, difficult to evince the identity of the two Sir William Stewarts. Objection 2d.

The 3d Objection is: That, in point of chronology, Sir William Stewart of Jedworth, who had a son John marriageable, and actually married in the year 1396 to Marion Stewart, daughter of Sir Walter Stewart of Dalswinton, could not have been Sir William Stewart the brother of Sir John Stewart of Derneley; because, even if Sir William Stewart of Jedworth had not been prematurely cut off, in the manner before mentioned, in the year 1402, his age must have been inconsistent with the actions ascribed to Sir William, the brother of Sir John Stewart of Derneley. For it appears that Sir William Stewart of Jedworth, instead of being the son of the second Sir Alexander Stewart of Derneley, was in a generation contemporary with him; and that John Stewart, the son of that Sir William Stewart, Objection 3d.

Stewart, who married Marion, the heiress of Dalswinton, was in a generation precisely contemporary with Sir John Stewart, the eldest son of Sir Alexander. It would require a stretch of faith, therefore, to suppose that Sir William Stewart of Jedworth could have been that Sir William Stewart who went to the wars in France in the year 1420, and, after having been engaged for several years in active service, was at last killed in battle in the year 1429.

Objection 4th. The 4th Objection, which is also rather material, is: That there have been discovered among the title-deeds of Lord Minto's estate, in his charter-room at Minto, various original papers relating to a dispute between Sir William Stewart of Dalswinton, the grandson of Sir William Stewart of Jedworth, on the one part, and the son and grandson of John Turnbull of Minto on the other part, in relation to the property of those lands of Minto which in the year 1390, as before mentioned, had been disponed by John Turnbull of Minto in favor of his nephew Sir William Stewart of Jedworth. Amongst these papers there is the original instrument before-mentioned, dated 5th March 1425; the material part of which, as applicable to the present question, is, that both John Turnbull of Minto who had made the grant, and Sir William Stewart of Jedworth, in whose favor the grant of the lands of Minto had been made, are described as *then deceased*; for the word *quondam* is prefixed both to the name of John Turnbull of Minto and to that of Sir William Stewart of Jedworth; and there cannot be a doubt that in both cases that word *quondam* had the same signification, to wit, that John Turnbull of Minto and Sir William Stewart of Jedworth were both of them deceased before the date of the Notarial Instrument in March 1425; therefore Sir William Stewart of Jedworth could not well be present at the siege of Orleans in 1429.

The objections which have now been stated will probably not be considered as trifling or immaterial, and it is particularly unlucky too, for Lord Galloway's pretensions, that it will not be sufficient to overturn any one, or two, or three of these four ob-

jections; but he will be under the disagreeable necessity of overturning all the four.

Of this Mr. Williams seems to have been aware, and therefore has exerted all his ingenuity to answer, or rather to elude and evade these four objections.

Mr. Williams's answer to the first Objection.

With regard to the first Objection, respecting the trial and execution of Sir William Stewart of Jedworth, in the year 1402, Mr. Williams, at first, endeavoured to elude it, by attacking the credit of the Scoti-Chronicon; and by averring, that there was no other book besides the Scoti-Chronicon which had mentioned the circumstance of Sir William Stewart's having been taken prisoner at Homildown, and put to death by the sentence of a jury instigated by Hotspur Percy. He further maintained, that the title of "*de Forestâ*," given to Sir William Stewart in the Scoti-Chronicon, could not be applicable to Sir William Stewart of Jedworth. But both these assertions of Mr. Williams were refuted, by pointing out to him the additional evidence of Winton's Chronicle, where the same circumstances of Sir William Stewart's trial, condemnation, and execution, after the battle of Homildown, were particularly related, and where the description given of him was not that of "*de Forestâ*," but that of Sir William Stewart of Teviotdale,—a designation which it cannot be denied belonged to Sir William Stewart of Jedworth.

Upon these additional proofs being communicated to Mr. Williams, he found that he could no longer maintain his original ground, by objecting to the Scoti-Chronicon, as the only work which had mentioned the fact in question. He therefore betook himself to the expedient of refusing the testimony either of the Scoti-Chronicon or of Winton's Chronicle, and to maintain that the united testimony of both of them ought not to avail, alleging, that in both there were some errors; and the nature of his argument is this: that because some errors may be discovered in the course of the extensive histories given by these authors, therefore no credit is to be given to them in any material particulars. The insufficiency of this mode of reasoning, or rather of cavilling, must be obvious.

After attempting in this manner to get rid of the evidence of the Scoti-Chronicon and of Winton's Chronicle, there ftill remained another difficulty for Mr. Williams to encounter: it was, the account given in the manufcript hiftory of Lord Galloway's family, which was drawn up by George Crawford the antiquary; wherein the facts relative to the battle of Homildown, and its confequences, are ftated in a manner which gives additional fupport to the material facts ftated in the Scoti-Chronicon and in Winton's Chronicle, and accounts for the feverity fhewn by Hotfpur Percy. *Vide* p. 36. where that paffage from Crawford is inferted.

The eafy method ufed by Mr. Williams for getting rid of the opinion and the ftate of facts given by Crawford, is, by alleging that Crawford was miftaken, or mifled by others: at the fame time it muft be remarked, that both Mr. Williams and the anonymous author frequently appeal to that very hiftory of Lord Galloway's family by George Crawford, upon other occafions, when it happens to ferve their purpofe.

Mr. Williams's anfwer to the fecond Objection.

With regard to the 2d Objection, founded on the fact that Sir William Stewart's mother was a perfon of the name of Turnbull, in palpable contradiction to the fuppofition of Sir William Stewart's being a fon of Sir Alexander Stewart, who married Dame Janet Keith, the mother of all his children; Mr. Williams has reforted to a curious expedient, by fuppofing that Sir Alexander Stewart of Derneley was twice married, and that one of his wives was a perfon of the name of Turnbull, of the family of the Turnbulls of Minto. Thus, in the view of the evidence for Lord Galloway, made out by Mr. Williams in 1794, there is, in page 18, the following paragraph: "Sir Alexander Stewart *muft* have been previoufly married, "*probably* to a daughter of Sir John Turnbull of Minto, a very opulent "family on the borders of Scotland at that period."

To this ingenious mixture of argument and probability, it might be fufficient to anfwer, that there is not a veftige of evidence to prove, or even to make it probable, that Sir Alexander Stewart of Derneley was twice married, or that he ever had any other wife than Dame Janet Keith. Mr. Williams has been called upon repeatedly to give proofs in fupport of his conjecture, or to point out any author who had ever faid or infinuated that Sir Alexander Stewart of Derneley had been married to a perfon of the name

name of Turnbull, or even that he had been twice married: but it has never been in his power to produce any proof or authority in ſupport of either of theſe conjectures.

On the part of the Caſtelmilk family it had been aſſerted, that Dame Janet Keith was the mother of Sir John Stewart of Derneley, and of the other children of Sir Alexander Stewart; and it was mentioned, that there is a charter granted by her, wherein ſhe expreſsly deſcribes and acknowledges Sir John Stewart of Derneley as her ſon; this was conſidered as affording ſome degree of proof at leaſt; but Mr. Williams holds this to be no proof at all; and prefers to it a ſtrange reaſoning, founded ſolely on his own conjecture, that Janet Keith called Sir John Stewart of Derneley her ſon merely becauſe he was her huſband's ſon; and for ſupporting this conjecture, he ſays that ſeveral inſtances can be produced of ſimilar applications of the word *ſon* to a perſon who was not the ſon of the wife but the ſon only of the huſband. — To this ſhift Mr. Williams was reduced in order to evade the force of the ſecond Objection.

As to the third Objection, founded on the chronological difficulties and inconſiſtencies, Mr. Williams has been at much pains to remove or to reconcile theſe: but it will be found that in the execution of his plan for that purpoſe, he reſorts to his uſual method of ſubſtituting conjectures and ſuppoſitions inſtead of any ſolid proof. The repetition of theſe conjectures here is avoided as being too tedious, and not of ſufficient importance. Mr. Williams's anſwer to the third Objection.

With regard to the fourth Objection, Mr. Williams's method of eluding it deſerves particular attention. He could not deny that, if the ordinary and eſtabliſhed meaning of the word *quondam* be admitted, the authentic original deed diſcovered in Lord Minto's archives, does *aſcertain the fact that both* Sir William Stewart of Jedworth and John Turnbull of Minto were deceaſed before March 1425. Neither could he deny, that if Sir William Stewart was dead before the month of March 1425, he could not poſſibly be the ſame Sir William Stewart who lived till the year 1429, and was killed in the wars in France in that year. But the ingenious device reſorted to by Mr. Williams for getting rid of theſe unfortunate objections is, by firſt aſſuming it as a fact, without any manner of proof, that Sir William Answer to the fourth Objection.

 Stewart

Stewart of Jedworth had gone to France about the year 1419, and had not returned to Scotland for ſeveral years. Then, after aſſuming this fact without any proof, he builds upon it another conjecture or ſuppoſition, that on account of Sir William Stewart's ſuppoſed abſence from Scotland from 1419 to 1425, the notary in drawing up his inſtrument in the year 1425, *may* have deſcribed him as *quondam* Sir William Stewart de Jedworth, not on account of his being dead, but on account of his not having been reſident in Jedworth for ſix or ſeven years paſt.

On reading anſwers of this ſort, there is ſome difficulty in being perſuaded that the author of them could be in earneſt; or if he thought that ſuch anſwers could be ſatisfactory in any quarter, he muſt have entertained a very mean opinion of the underſtandings of thoſe to whom they were addreſſed.

Reſult of the Objections and Anſwers.

It may now therefore be taken for granted, that all the four objections above ſtated remain in full force. And it has already been obſerved that without refuting all and each of theſe objections, Lord Galloway's claim and pretenſions muſt fall to the ground.

From the ſpecimen which has been given of the mode of reaſoning employed by Mr. Williams in ſupporting Lord Galloway's cauſe, and in which he has upon moſt occaſions been faithfully and implicitly followed by his anonymous friend, it will excite no ſurpriſe to perceive the ſame mode of reaſoning employed by theſe ſame authors upon other occaſions. It may be proper however to point out ſome memorable inſtances.

Attempts to make it be believed, that Sir William Stewart *of* Jedworth *was the ſame perſon as Sir* William Stewart *of* Castelmilk, *and that he poſſeſſed both theſe Eſtates.*

The neceſſity of proving, or making it appear probable, that Sir William Stewart of Jedworth was the ſon of Sir Alexander and the brother of Sir John Stewart of Derneley, had for ſome years been ſo apparent to thoſe who acted for the Earl of Galloway, that every effort has been employed to gain credit to theſe conjectures. In that view, the firſt thing neceſſary was

was to ſhew the identity of Sir William Stewart of Jedworth with Sir William Stewart of Caſtelmilk. There was, therefore, no heſitation in ſuppoſing, or aſſerting that the lands of Caſtelmilk in Annandale, as well as the lands of Jedworth in Teviotdale, had belonged to Sir William Stewart of Jedworth; and that, in conſequence thereof, he was ſometimes deſcribed as Sir William Stewart of Jedworth, and at other times as Sir William Stewart of Caſtelmilk. But of this fact, which, if true, admitted of many proofs, not one particle of evidence has been produced or referred to; though the fact be frequently aſſerted both by Mr. Williams and by his anonymous admirer.

The only appearance of an authority for the ſuppoſition of Sir William Stewart of Jedworth having been ſometimes deſcribed of Jedworth and at other times of Caſtelmilk, is an aſſertion without proof, by George Crawford the antiquary, who, in his genealogical account before mentioned, made out for the uſe of the Earl of Galloway's family, ſays that Sir William Stewart was ſometimes deſcribed of Jedworth and at other times of Caſtelmilk, and at other times Sir William Stewart ſheriff of Teviotdale; all which deſignations he ſays were deſcriptive of the ſame perſon. This conjecture of Crawford's may have led ſome other authors who wrote after him into the ſame error. But if Lord Galloway place any reliance on this part of George Crawford's Genealogical Hiſtory, he muſt at the ſame time adopt that other part of the ſame hiſtory where Crawford ſo poſitively affirms, and gives his reaſons for believing, that Sir William Stewart of Jedworth was taken priſoner at the battle of Homildown, and that he was tried, condemned, and executed ſoon after; for it cannot be permitted to Lord Galloway, or to thoſe who write for him, to adopt one part and to reject another part of that ſame Genealogical Hiſtory. And if the truth of Sir William Stewart of Jedworth's death in 1402 be admitted, Lord Galloway may make what uſe he thinks proper of George Crawford's aſſertion or conjectures concerning Sir William Stewart's having been ſometimes deſigned of Jedworth, and at other times of Caſtelmilk.

Suppoſitions

Suppositions adopted for making Sir WILLIAM STEWART *of* JEDWORTH'*s age correspond with that of a son of Sir* ALEXANDER STEWART *of* DERNELEY.

IN order to make Sir William Stewart of Jedworth's age correspond with the age of a second son of Sir Alexander Stewart of Derneley, and to increase the probability of his being of an age proper for engaging in the wars of France from the year 1419 to the year 1429, it became necessary, in the next place, to remove any unfavourable impressions that might arise from the contract of marriage in 1396, which proved that Sir William Stewart of Jedworth had at that time a son John who was marriageable, and actually married in that year. For this, Mr. Williams had a very easy solution; for, without appealing to any proofs or authority whatever, he takes it for granted, that though the marriage ceremony was solemnized in the year 1396, yet that John and Marion Stewarts were then so very young that the cohabitation or completion of the marriage was deferred till they should attain maturer years. One may be allowed to ask from what quarter did Mr. Williams receive this information? — How came he to be let into those family secrets, which appear to have been unknown to any other author?

This mode of reasoning, and of substituting conjectures for proofs, has, however, been completely adopted by the anonymous writer, pages 51 and 52, for he too avers, "that Marion and John Stewarts were very young "when they were betrothed; that the lady could not have greatly exceed-"ed her *ninth* or *tenth* year; and that her husband was *to all appearance* "not much older." And he likewise affirms that the marriage ceremony was early solemnized, and that "*the cohabitation was deferred to a maturer* "*period.*" On reading the accounts given of this marriage, and of the transactions connected with it in the year 1396, by Mr. Williams, and by his anonymous friend, one would be tempted to think that both of them had been witnesses to the marriage, and had enjoyed the intimate confidence of the infantine married couple, to whose stature and juvenile appearance they seem to have paid particular attention.

Conjectures, reasonings, and facts blended together.

A curious specimen of the mode of blending together conjectures, reasonings, and facts, or supposed facts, and with an appearance too of references to proofs in support of them, will be found in pages 14, 15, and 16, of

Mr. Williams's "View of the Evidence for Lord Galloway," &c.; and alſo in pages 54 and 55 of the anonymous book.

Let us firſt hear Mr. Williams's Statement.

Page 14, 15. "It is aſſerted in Harding's Chronicle, Redpath's Hiſtory of "the Borders, p. 367, &c. that at the expiration of the truce, about the end of "the year 1400, Sir Richard Rutherford and his ſons, *Sir William Stewart,* "John Turnbull, ſurnamed *Out with the Sword,* &c. made an irruption "into England, where they were attacked and taken priſoners by a ſupe- "rior force under the command of Sir Robert Umfraville. King Henry "IV. ordered that the priſoners ſhould not be ranſomed, and gave directions "*that they ſhould be carried to the Tower of London.* Rymer, vol. viii. "p. 162, &c. *." By Mr. Williams.

Page 16. "On the acceſſion of Henry V. to the throne, orders were "given to ſet at liberty all the Scots priſoners confined in the Tower of "London, Rymer's Fœdera, vol. ix. p. 5, &c. Whether Sir William "Stewart was releaſed at this period is uncertain. It appears probable "however, if the following authorities may be confided in, and can be "ſuppoſed to relate to him, that it was on this occaſion that he obtained "his liberty. Sir John Stewart of Derneley having been diſpatched by the "Dauphin to Scotland for reinforcements, he ſpeedily returned (according "to the hiſtorians of the time) with a very reſpectable armament; vide "Duncan Stewart's Hiſtory of the Stewarts, Mackenzie's Lives, vol. i. "p. 363. Rymer, vol. ix. p. 795, &c. The following commanders are "named among the chieftains who embarked on that expedition:—the "Earl of Buchan and his brother, the Earl of Wigton, Sir John Swinton, "Sir William Stewart, Sir William Douglas, Sir John Turnbull, &c." "In an account of the battle of Cravant, 1423, preſerved among the Harleian "MSS. No. 782. Sir John Turnbull is mentioned as one of the Scots "commanders who fell in that action. In Truſſell's Life of Henry VI. page "124. a ſimilar account is given. This, in all probability, muſt have "been Sir John Turnbull, ſurnamed *Out with the Sword,* the conſtant com-

* It is not ſaid in Rymer, or in any other book hitherto diſcovered, that Henry had given directions that the priſoners ſhould be carried to the Tower of London. From what authority Mr. Williams has ſtated this fact does not appear.

"panion

"panion of Sir William Stewart of Jedworth. In Hall and Grafton's "Henry VI. vol. 24. "Sir William Stewart *lately delivered out of priſon*" "is named among the commanders of the Scots forces in France."

In this mixture of facts, and references ridiculouſly erroneous, there ſeems to be ſuch a ſtudied confuſion, that it is not eaſy to gueſs at the preciſe points meant to be eſtabliſhed by them. It may be proper, therefore, to ſee in what manner the ſame facts and references have been adopted by the anonymous author, who ſtates them with leſs apparent confuſion, but with more preciſe and poſitive aſſertion.

The account given by him in pages 54 and 55 is thus expreſſed:

By the Anonymous.

"Sir William Stewart, about the end of the year 1400, in conjunction "with Sir Richard Rutherford and his ſons, John Turnbull, ſurnamed "Out with the Sword, and ſeveral other chieftains, made an irruption into "England; but, being ſuddenly attacked by a ſuperior force under Sir "Robert Umfraville, the whole were completely ſurrounded and taken "priſoners *. King Henry IV. who had now ſucceeded to the throne of "England, iſſued orders to prevent the ranſom of the Scottiſh priſoners, "and they accordingly were carried to the Tower of London †.

"It is not until the year 1419, when ſuccours were ſent from Scotland "to the Dauphin, afterwards Charles VII. of France, that we again hear "of Sir William Stewart. Henry V. it ſeems, not long after his acceſſion, "permitted the releaſe of the captives; and, on that occaſion, *Sir William* "*appears to have regained his liberty.* By the hiſtorians who delineate this "period, "*Sir William Stewart, lately delivered out of priſon,*" is named as "among the commanders in the French expedition ‡. The principal lead- "ers were the Earl of Buchan, the Earl of Wigton, (eldeſt ſon of Archibald "Earl of Douglas,) Sir John Stewart of Derneley, Sir William Stewart of "*Jedworth and Caſtelmilk*, Sir John Swinton, Sir John Turnbull, &c. ſeem- "ingly the ſame who was ſurnamed "*Out with the Sword*" §, the faithful "companion of Sir William Stewart in many of his enterpriſes."

* See Harding's Chronicle. Redpath's Hiſtory of the Borders, p. 367, &c.

† Rymer, Fœd. Angl. tom. viii. p. 162.

‡ Hall and Grafton's Henry VI. v. 24.

§ See an account of the battle of Cravant preſerved among the Harleian MSS. No. 782.

The

The paragraphs above quoted from the works of Mr. Williams, and of the anonymous author, are meant to ſupply the place of proofs, in order to eſtabliſh various important facts; and as they are the only foundation on which the whole fabric is built, it may be proper here to point out preciſely the various propoſitions which were meant to be eſtabliſhed by them in favor of Lord Galloway's cauſe.

The object of the firſt part of the accounts given both by Mr. Williams and by the anonymous writer, was to get rid of the difficulty ariſing from the facts related in the Scoti-Chronicon and in Winton's Chronicle, which ſo clearly aſcertained that Sir William Stewart of Jedworth was taken priſoner at the battle of Homildown, and what followed upon it. For this purpoſe they have endeavoured to eſtabliſh a belief, that Sir William Stewart was a priſoner in the Tower of London at the time of the battle of Homildown, therefore could not have been at that battle, nor ſuffered death in conſequence of it.

The imaginary impriſonment of Sir William Stewart of Jedworth in the Tower of London.

Refutation of that ſuppoſition.

There is no occaſion to diſpute the incurſion made into England about the year 1400, by Sir Richard Rutherford and his ſons, John Turnbull, and others, and their being defeated by Sir Robert Umfraville. Neither is it neceſſary to diſpute, that King Henry IV. ordered that the priſoners taken on this occaſion ſhould not be ranſomed: but there is no evidence that any of the priſoners ſo taken were ever ſent to the Tower of London; or that there was any order of King Henry for that purpoſe. Nothing of that ſort is to be found either in Rymer, or in any other author; for, admitting that King Henry gave an order againſt ranſoming or ſetting free the priſoners, it does not follow, that all or any of them had been ſent to the Tower of London;—ſtill leſs is there any evidence of Sir William Stewart of Jedworth having ever been committed a priſoner to the Tower of London; nay, the name of Sir William Stewart is not found in Rymer's Fœdera on this occaſion, or in any record mentioning the priſoners taken in 1400. And even if he had been taken priſoner and ſent to the Tower of London, it would not follow from thence that he had been detained there for any conſiderable time, or that he was a priſoner there at the time of the battle of Homildown. And as there is very poſitive, ſtrong, and direct evidence, from reſpectable contemporary authorities, that Sir William Stewart of

 Jedworth

Jedworth was at the battle of Homildown, and that he was there taken prisoner, and immediately thereafter tried, condemned, and executed:—such positive authority must greatly outweigh the loose and unfounded conjectures which have been brought forward by Mr. Williams, and adopted by his anonymous follower, for inducing a belief that Sir William Stewart of Jedworth was a prisoner in the Tower of London at the time of the battle of Homildown.

For the purpose of disengaging Sir William Stewart from the battle of Homildown, it was necessary that he should be supposed to have been a prisoner in the Tower of London at that time; but it was also necessary that he should be liberated from his confinement there before the expedition to France took place, that he might not miss the opportunity of embarking in that expedition. For this purpose, Mr. Williams says, that on the accession of Henry V. to the throne (which was in the year 1413) orders were given to set at liberty all the Scottish prisoners confined in the Tower of London;—then he adds, " whether Sir William Stewart was released " at this period is uncertain, but that it appeared *probable* however, that " it was on this occasion that he obtained his liberty." This fact is stated with less ambiguity, and more positiveness of assertion by the anonymous writer, in these words: " It is not until the year 1419, when succours " were sent from Scotland to the Dauphin, afterwards Charles VII. of " France, that we again hear of Sir William Stewart. Henry V. it seems, " not long after his accession, permitted the release of the captives, and on " that occasion Sir William Stewart *appears to have regained his liberty.*"

The authority appealed to for this, is Rymer, vol. ix. p. 5.—But on consulting that authority, it by no means supports the assertion; for there is no mention there of the name of Sir William Stewart, or of his being liberated from custody at that time. On the contrary, the order, dated 12th April 1413, directed to the constable of the Tower of London, particularly mentions the persons * who were then to be liberated, without any

* Their names are, Jacobus de Douglas, Chivaler, Thomas de Hamylton, Johannes Aulway, Willielmus Bryson, Johannes de Bowys, Thomas Crac, Alanus de Ormyston, Johannes Lyonn, Gilbertus Cavane, Dogallus Dromond, Adam de Cockburn, Alexander Shell, Willielmus Akynhed, Georgius Shell, Johannes Dugan, Jacobus Patrici, Willielmus Bron, Bernardus de Cokburn, Johannes Peterson, Johannes Home, Willielmus Patrykson, Johannes Welles, Johannes Skymezour, and Gilbertus de Dalrympill.

mention of Sir William Stewart, who was a perſon ſo conſiderable and ſo well known both in England and Scotland, that it is moſt unlikely that his name ſhould have been omitted if he really had been one of the priſoners releaſed on that occaſion.

After taking theſe preliminary ſteps to render it poſſible for Sir William Stewart of Jedworth to have embarked in the expedition to France in the year 1419, (notwithſtanding his ſuppoſed confinement in the Tower of London in 1400, and his real trial, condemnation, and death in 1402,) Mr. Williams and his follower next endeavour to prove, that Sir William Stewart actually did embark in that expedition, and that he remained in France till the time allotted by them for his death in 1429. But neither his going to France, nor his remaining there, are ſupported by any proofs, or by any thing deſerving the name of evidence.

Inſtances of falſe Quotations and of Miſrepreſentation of Evidence.

THERE is indeed in the anonymous book, p. 55. one paragraph concerning the commanders in the French expedition, which, if ſupported by evidence, would eſtabliſh, in a ſatisfactory manner, two facts very material for the Earl of Galloway, to wit, 1ſt, That Sir William Stewart of Jedworth and Sir William Stewart of Caſtelmilk were one and the ſame perſon,—and 2dly, would eſtabliſh with great certainty, that Sir William Stewart of Jedworth did actually belong to the French expedition, and was killed there in the year 1429.—The paragraph here referred to is in the following words: " The principal leaders were the Earl of Buchan, the Earl of " Wigton, (eldeſt ſon of Archibald Earl of Douglas,) Sir John Stewart of " Derneley, Sir William Stewart of *Jedworth* and *Caſtelmilk*," &c.

Every perſon who reads the above ſentence (which is given with the mark of quotation) muſt be perſuaded that the author meant to convey this idea, that he had copied theſe names and deſcriptions from ſome faithful hiſtory or authentic record, in which Sir William Stewart is deſcribed as Sir William Stewart of *Jedworth* and *Caſtelmilk*. This, if true, would be material evidence indeed. — But there is nothing of this ſort ſaid or inſinuated in any of the authorities appealed to by the anonymous author, or in any book

or record hitherto discovered. — In short, it rests upon no other than his own authority.—He alone is responsible for the deception practised by this mode of false quotation; for even Mr. Williams had not gone the length of pretending that there was any authority for describing Sir William Stewart who went to France, as Sir William Stewart of *Jedworth* and *Castelmilk*.

Another deception has been practised upon this occasion, for which both Mr. Williams and the anonymous author are equally responsible. Mr. Williams, p. 16. of the "View of the Evidence," &c. has the following expression: "In Hall and Grafton's Henry VI. vol. 24. 'Sir William "Stewart *lately delivered out of prison*' is named among the Commanders of "the Scots forces in France." And, to the same purpose, the anonymous author, p. 55. in relating the events of the year 1419, has the following paragraph: "By the historians who delineate this period, '*Sir William* "*Stewart lately delivered out of prison*' is named as among the Commanders "in the French expedition." And the authority appealed to is the same with that to which Mr. Williams refers, to wit, Hall and Grafton's History of Henry VI. vol. 24.

From this mode of quotation, it was with some difficulty that the books referred to could be discovered: for there is no such book as Hall and Grafton's History; and no history by either of them that extended to 24 volumes. There is a very small book of the size of an Almanack, intitled "Manuell of the Chronicles of England to 1565, by Richard Grafton," printed in London, in 24mo. — In this Manuel there is not one word relating either to Sir William Stewart or to the leaders of the Scottish army in France. There is indeed a history, by Edward Hall, intitled "The Union "of the Families of Lancaster and York," in one volume folio, which is sometimes mentioned under the title of Hall's Chronicle; but neither does that come up to the assertion concerning it.

It is to be presumed that both Mr. Williams and the anonymous writer had read the books to which they refer; if so they must have been perfectly sensible that their mode of quoting the evidence could serve only to mislead. Their purpose was evidently to make it be believed that the same Sir William

liam Stewart of Jedworth, who, according to their erroneous repreſentation, had been impriſoned in the Tower of London, and detained there from the year 1400 till releaſed by King Henry V. in 1413, was the very perſon who was one of the leaders of the Scottiſh expedition to France in the year 1419; and they borrow the aid of ſome words in that hiſtory of Hall for ſupporting that ſuppoſition.

It is true that Hall has taken occaſion to mention ſome of the battles in France between the Engliſh and French in the time of Henry V. and Henry VI. particularly thoſe of Crevant and Rouvroy; and in giving an account of the battle of Rouvroy, fought in February 1429, and of the perſons of diſtinction killed at that battle, he has expreſſed himſelf thus:

"When they came to a town called Rouvroy they perceived their enemies "coming againſt them, to the number of 9 or 10,000 Frenchmen and Scots, "the Captains whereof were Charles of Clermont, ſon to the Duke of "Bourbon, then being priſoner in England, Sir William Stewarde conſtable "of Scotland, *a little before delivered out of captivity*, the Earl of Perdriache," &c. &c.

"In this conflict were ſlain Lord *William Stewarde conſtable of Scotland* "*and his brother*, the Lord Dorval, the Lord Delabrette," &c. &c.

But theſe paſſages have no relation to any event in England or Scotland, or to a Sir William Stewart *lately delivered out of priſon* in either of theſe countries. For it will appear clear to demonſtration, from what is immediately to be ſtated, that theſe paſſages in Hall relate, and were meant to relate to Sir John Stewart of Derneley, the conſtable of the Scottiſh army in France, who, having been taken priſoner at the battle of Cravant in 1423, had been detained in captivity till a little before the battle of Rouvroy; when, according to ſome authors, he was exchanged for Lord Pole, brother of the Earl of Suffolk; though other French authors ſay that he was exchanged for the Marſhal Toulongeon. It was of that Sir John Stewart, the conſtable of the Scottiſh army, and of his releaſe from captivity in France, that Hall evidently meant to ſpeak. But that paſſage, and particularly that expreſſion of "*lately delivered out of captivity*," have been made uſe of by Mr. Williams and by the anonymous writer, as proofs that Hall meant to deſcribe Sir William Stewart of Jedworth as a perſon lately delivered out of the Tower of London, or, according to their

their own phraſe, lately delivered *out of priſon*; by which they meant to convey the ſame idea, and inſtead of repeating the words made uſe of by Hall "lately delivered out of *captivity*," ſubſtituted the words "lately de-"livered out of *priſon*," that it might the more readily convey the idea of a deliverance from his ſuppoſed priſon the Tower of London.

There are infallible circumſtances, which put it beyond a doubt, that Hall had inſerted the name of William by miſtake, in that paſſage, inſtead of the name of John. It is impoſſible for any perſon who reads the account given by Hall, and who has any knowledge of the hiſtory of thoſe times, not to perceive that the perſon to whom that account refers, was Sir John Stewart of Derneley, the conſtable of the Scottiſh forces in France; for Hall's deſcription of Sir William Stewart as the conſtable of Scotland, is one circumſtance for pointing out the miſtake; there was no Sir William Stewart either conſtable of Scotland or conſtable of the Scottiſh army in France; that office belonged ſolely to Sir John Stewart of Derneley, the elder brother of Sir William. The miſtake is further made evident from other parts of his hiſtory: thus, fo. 85. in giving an account of the battle of Cravant, Hall expreſſes himſelf thus: "In this very ſeaſon the Dolphin ſent *Lord* "*William Stewarde conſtable of Scotland*, and the Earl of Ventadour in "Auvergne, and many other nobles of his part, to lay ſiege to the towne of "Cravant." — And among the priſoners taken on that occaſion, Hall mentions "*the conſtable of Scotland which loſt his eye.*"

It is well known, and is aſcertained beyond a doubt, by the writings of every French and Britiſh author who has ever treated of the ſubject, that Sir John Stewart of Derneley was the General of the Scottiſh force at the battle of Cravant, and that he loſt an eye and was taken priſoner at that battle. Nobody will pretend that the ſame circumſtances happened alſo to a Sir William Stewart; therefore it muſt have been very obvious to the meaneſt capacity, that what Hall ſays of a Sir William Stewart conſtable of Scotland, and of his loſing an eye and being made priſoner at the battle of Cravant, could only apply to Sir John Stewart of Derneley, the elder brother; though the name of William had by him been inſerted by miſtake, inſtead of that of John Stewart.

The

The meaning of these paragraphs in Hall is so obvious that it was scarce possible for any person to mistake them; yet both Mr. Williams and the anonymous writer have, by their modes of quotation, and by their inferences from them, endeavoured to pervert the passages in Hall's history, and to use them as positive proofs that Sir William Stewart of Jedworth was in the expedition to France in the year 1419, and one of the leaders of it. The anonymous writer, in particular, appears to have trusted greatly to his arguments and inferences drawn from the circumstance of Sir William Stewart being mentioned as *lately delivered out of prison*; he places much emphasis on that expression, as involving in it a great deal of proof; thus, p. 93. his words are: " But lest any doubts should remain as to the identity of the brother of " Sir John Stewart of Derneley, he is expresly described as " Sir William " Stewart *lately delivered out of prison*;" having regained his liberty, as has " been already related, soon after the accession of Henry V. to the " English throne." Hall, however, does not pretend to give any account of the leaders engaged in that expedition; neither has that part of his book any reference to events in England or in Scotland; what he there treats of relates solely to events in France. The expression in Hall is "*a little before* " delivered out of captivity." Though this applies very well to Sir John Stewart of Derneley's deliverance from captivity, by an exchange prior to the battle of Rouvroy in 1429, after being made prisoner of Cravant in 1423, yet it could not be well applied to a person released soon after the accession of Henry V. in 1413.

In short, Hall's account differs in every essential particular from the use that has been made of it; for it relates to a different *person* and a different event, which happened in a different country and at a different *period*.

The purposes to which the particulars in Hall have been perverted, both by Mr. Williams and his anonymous friend, are to prove that Sir William Stewart *of Jedworth* had, in the year 1419, a little after his being released out of prison in the Tower of London, (where by the bye he never was,) engaged in the expedition then fitting out from Scotland to France; that he was one of the leaders in that expedition, and that he had remained in France till the year 1429, when killed at the battle of Rouvroy.

After

After ſuch inſtances of falſe quotations and palpable perverſion of evidence, what reliance can there be on the fidelity of the aſſertions, conjectures, or arguments of theſe two authors or either of them?

The real fact is, that Sir William Stewart of Jedworth never belonged to the French expedition. No hiſtorian of thoſe times has ever ſaid that he did belong to that expedition. Mr. Williams and the anonymous author have, however, after the communication of my papers, thought proper to transfer to Sir William Stewart of Jedworth all the facts and circumſtances which I had diſcovered relating to Sir William Stewart of Caſtelmilk, the real brother of Sir John Stewart of Derneley. Thus they apply to their Sir William Stewart the articles which I had diſcovered in the French records at Paris, really appertaining to Sir William Stewart the brother of the conſtable of Scotland; and they likewiſe apply to Sir William Stewart of Jedworth all that I had diſcovered in the French hiſtorians concerning the employment and ſervices of Sir William Stewart, the real brother of Sir John of Derneley, during the ſiege of Orleans; and the behaviour of the two brothers when they loſt their lives at the battle of Rouvroy. In ſhort, they have applied to their Sir William Stewart all the facts and circumſtances gathered by them from the papers containing the diſcoveries I had made in France, and of which they never had any idea till they had ſeen theſe papers.

Such is the true and faithful interpretation of Mr. Williams's dreams and reveries concerning Sir William Stewart's confinement as a priſoner in the Tower of London in the year 1400; his releaſe from thence upon the acceſſion of Henry the Vth in 1413; and his conſequent employment about the year 1419, as one of the leaders of the Scottiſh expedition to France. All theſe viſionary events have vaniſhed on their being brought to the teſt of proofs, and to a compariſon with certain eſtabliſhed hiſtorical facts.

Mr. Williams, indeed, has had the good, or bad fortune to meet with one very complaiſant friend and profeſſed admirer, who has not only adopted all his reveries, but has ſhewn a ready diſpoſition to go even beyond him in the marvellous or incredible. From this anonymous friend he has had the benefit of every ſupport in his power to give, for endeavouring to reconcile the greateſt improbabilities, or the groſſeſt abſurdities.

Not

Not ſatisfied with having engaged Sir William Stewart of Jedworth in the French expedition, theſe two modern authors have gone one ſtep further, by embarking in the ſame expedition John Stewart who married Marion, the heireſs of Dalſwinton; and they have ſuppoſed him to have been engaged in active ſervice, and to have loſt his life in battle in France, in the firſt campaign after his arrival there, about the year 1420. It will be found that the whole of the part thus allotted to John Stewart, the ſon of Sir William, is a work of imagination, with no other foundation than their own aſſertions or conjectures.

Account given by the Anonymous Author of the Expedition to France, and of the Perſons embarked in it.

The following aſſertions are made by the anonymous author from page 58 to page 64.

"When Sir John Stewart of Derneley embarked for France in 1419, "it appears that he was accompanied by a conſiderable number of "friends and kinſmen, as well as a moſt reſpectable body of military "retainers. His brother *Sir William Stewart of Jedworth*, and *his couſin* "*Sir Alan Stewart of Allantown*, were, *without doubt*, among the number "of thoſe who engaged in the expedition. It is likewiſe *believed*, and with "conſiderable *probability*, that both the ſons of the former took up arms "in the ſame cauſe."

The mode of proving the facts above ſtated, is by aſſerting that there can be *no doubt* that theſe facts happened.—It is not eaſy to anſwer this method of appealing to facts declared to be indubitable; but it would have been rather more ſatisfactory to have appealed to ſome proofs.

I, in common with many others accuſtomed to legal evidence and correct proofs, have the misfortune of not being completely convinced by this mode of ſtating facts. It would have been eſteemed a particular favor if the author of the above indubitable aſſertions had been ſo good as to have indicated any book or record where it is ſaid, or even inſinuated, that Sir William

Stewart of Jedworth ever accompanied Sir John Stewart of Derneley to France; or where it is mentioned that Sir Alan Stewart of Allanton was of the party; for I do declare, that in all my reſearches I have never found any real authority, either in French or Engliſh records or books for either of theſe facts. As to the laſt of them, it is a matter of no conſequence; only as it is the firſt time that this new perſonage, Sir Alan Stewart of Allanton, has been united to the French expedition, I have a little curioſity to know by what means, and for what purpoſe, this Sir Alan Stewart has been brought into the field*.

The

* It is not impoſſible that this introduction of Sir Alan Stewart upon the French theatre, may have taken riſe from the ſame converſation which is related in pages 137 and 138 of the anonymous book, where the author gives an account of what had paſſed between him and his friend, Mr. Stewart of Allanton, on the ſubject of what he calls an unaccountable omiſſion in the table prefixed to the genealogical hiſtory drawn up by me. He ſays, that Sir Robert, the ſixth ſon of Sir John Stewart of Bonkyl, whoſe deſcendants formed one of the moſt extenſive branches of the Stewart race, had been there omitted, which omiſſion, he takes notice, is now ſupplied by him in a genealogical table ſubjoined to his book.

Though the converſation thus related by my latent antagoniſt contains heavy charges againſt me, yet as it exhibits a perfect model of decency, gentleneſs, and urbanity of expreſſion, I cannot abſtain from inſerting the whole of what is ſtated by him on that ſubject, in his own words:

Page 137. " Before I filled up the place of the ſixth ſon of the houſe of Bonkyl in my genealo-
" gical ſketch, I thought it right to apply to the perſon at the head of that branch of the name
" (Mr. Stewart of Allanton) in order to learn, why the exiſtence of a race ſo uniformly
" recorded by every genealogiſt, ſince the time of Symſon, was at length arbitrarily ſuppreſſed
" by the author of the Genealogical Hiſtory of the Stewarts? The gentleman juſt now men-
" tioned, after *producing to me very ſatisfactory documents of his deſcent from the above Sir Robert*
" *Stewart*, who was deſigned 'of Daldüe,' made anſwer nearly to the following pur-
" port:—" The queſtion, Sir, which you put, I know not if I can well anſwer; as, ever
" ſince I ſaw Mr. Andrew Stuart's book, the circumſtance has puzzled myſelf; I cannot
" conjecture why the author of that work (in which no labour of *inveſtigation* ſeems to have
" been ſpared) did not, on the point in queſtion, prefer a *more* to a *leſs* obvious ſource of
" intelligence, a direct application to myſelf (which *he never made*) to the lower office of
" retailing the ignorance of Symſon, or the ambiguities of Duncan Stewart. The only
" reaſon I can conceive is, that perhaps he thought the deſcendants of a ſixth ſon of the houſe
" of

The account given by the anonymous author, of the perſons who accompanied Sir John Stewart of Derneley to France in the year 1419, has been ſtated above. He then proceeds, page 60, thus:

" Previous

" of Bonkyll were beneath the notice of an ambition, which was endeavouring to graſp at " the honours of the *firſt*. Or, perhaps, his opinion may have been, that the higheſt merit " conſiſts in the moſt remarkable *ſingularity*; and, therefore, in his invaſion of the rights of " Lord Galloway, as he had advanced a theory peculiar to himſelf, ſo another opportunity, " like the preſent, might not eaſily occur, for evincing how completely he differed from every " writer of eſtabliſhed credit. As you, Sir, have undertaken, on the part of the noble Earl, " to refute the dogmas of a ſelf-deluded genealogiſt, I ſhall take it kind if you will adopt " ſome method of entering this my proteſt againſt the uſurpations of a ſelf-created dictator."

" I hope the above gentleman, who has certainly ſome cauſe of complaint, will think that " I have not been neglectful of either the one or the other of theſe objects; and that I have " reported his proteſt with due fidelity."

Having thus ſhewn the full extent of the charge brought againſt me, I may now be permitted to ſay a word or two in my own defence.

Soon after the publication of the Genealogical Hiſtory, I learnt from a very reſpectable acquaintance of mine, connected with the family of Mr. Stewart of Allanton, that his friends were rather ſurpriſed, and regretted that I had not, in that work, and in the table prefixed to it, traced the anceſtors of the Allanton family. My anſwer was, that I was very ready to do ſo, if I had any proper authority to appeal to; which I had not hitherto been able to diſcover. As I had a regard for the gentleman who thus applied to me, I thought it incumbent on me to explain to him how this matter ſtood, and accordingly I wrote to him the following letter:

" Dear Sir, *Lower Groſvenor-Street*, *Dec.* 18, 1798.

" I am favoured with yours of this day's date, and in conſequence have looked at the table " prefixed to the Genealogical Hiſtory, where, in mentioning the deſcendants from the firſt " Sir John Stewart of Bonkyll, there is the following N. B. " Some authors have mentioned, " though doubtfully, the exiſtence of two other brothers, Hugh and Robert, but there is no " certain evidence concerning them, or any perſon deſcended from them."

" The above *notandum* is in effect nothing more than repeating the words or doubts ex- " preſſed by the genealogical writers concerning the exiſtence of Hugh and Robert, or con- " cerning any poſterity from them. For you will obſerve, that Symſon in his hiſtory of the " Stewarts, publiſhed in the year 1712, expreſſes himſelf thus:

" 6th and 7th ſons—Sir Hugh and Sir Robert, mentioned by Holinſhed, in his Chronicle " of Ireland, anno 1318,—*whoſe exiſtence I am not to defend.*"

" This

" Previous to the year 1418, (but how long it is uncertain,) Marion
" Stewart lost her father: on this her husband, succeeding to the ample
" possessions of the latter, became Sir John Stewart of Garlies and Dal-
" swinton,

" This manner of expressing himself shews clearly that Symson did not believe the
" existence of Hugh and Robert as sons of Sir John Stewart of Bonkyll.

" Duncan Stewart, in his history of the Stewarts, published in the year 1739, says, that
" Sir John Stewart had by his wife Margaret seven sons and a daughter; and in enumerating
" the sons, mentions Hugh as the 6th and Robert as the 7th son, but Duncan Stewart here
" adds these words: " It is not discovered who are come of the two last brothers, or if
" there are any come of them, unless it be allowed that Allanton is come of one of them;
" for, by their own traditional account, their predecessor was an immediate younger brother
" of Castelmilk."

" Symson and Duncan Stewart being the only genealogical writers in whose works I have
" found any mention of Hugh and Robert as sons of Sir John Stewart of Bonkyll, and that
" expressed in the way abovementioned, and never having seen any certain evidence of the
" existence of Hugh and Robert, or of any posterity descended from them, I could not, in
" that situation, express myself otherwise than I have done in the *notandum* on that subject.
" But if any person can shew certain evidence concerning Hugh and Robert, or posterity
" descended from them, that *notandum* must go for nothing. And if any satisfactory evi-
" dence could be shewn to me of a mistake either in this or in any other part of the book,
" I should with great readiness embrace the very first opportunity of correcting the error;
" which might be done in the next edition that comes out of the book.

" As to the Tree referred to in your letter drawn up by a person of the name of Brown,
" who has mentioned Robert as the ancestor of the Allanton family, I have seen the Tree,
" and know the history of it, and can assure you that it is no authority whatever, and
" never will be considered as such. Indeed no Genealogical Tree is deserving of credit, or
" can be considered as a proof of facts, without specifying and referring to the proofs from
" which the Tree is made out.

" If Mr. Stewart of Allanton is possessed of any very old papers, tending to shew what
" lands belonged to his ancestors in remote times, it might be very practicable to ascertain
" the genealogy of his branch of the Stewarts, in such a manner as would be satisfactory for
" shewing, whether most credit was due to the traditional account of their being descended
" from a younger son of the Castelmilk family, or from a Robert Stewart, supposed to have
" been seventh son of Sir John Stewart of Bonkyll.—And it must be abundantly evident,
" that it would be more desirable for the Allanton family to be descended from a son of
" the Castelmilk family, who are descended from the second son of Sir John Stewart of
" Bonkyll, than to connect their pedigree and descent with Robert, the seventh son of Sir
" John Stewart of Bonkyll; especially considering all the doubts that have been thrown out
" by

" swinton, and resigned, according to a practice very usual with his family, " his lands of Castelmilk to his younger brother Sir William. The sale " of the estate of Kelly in 1418, and of that of Garnsalloch two years after, " seem

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" by authors relative to the reality of the existence of that seventh son. But the determin- " ation, in matters of this sort, must depend upon the facts indicated by the ancient title- " deeds; and of this, Mr. Stewart of Allanton and his friends will be the best able to " judge. I am, &c.

" ANDW. STUART."

I had no objection that my correspondent should communicate this letter to his friend Mr. Stewart of Allanton; and I presume that he did so. But perceiving from the anonymous book published since that time, that the author of it says, that Mr. Stewart of Allanton had produced to him very satisfactory documents of his descent from Sir Robert Stewart, son of Sir John Stewart of Bonkyll, which documents, however, he has not chosen to produce to me, or to any person of my acquaintance, I took the trouble of again examining all the materials within my reach concerning the descendants from Sir John Stewart of Bonkyll; being resolved, if I had been guilty of any error or omission, to take the very first opportunity of repairing it; especially as I have a great respect for some of the branches descended from the Allanton family, and have long lived in friendship and connexion with them, particularly with the families of Sir James Stewart of Coltness and of Sir John Stewart of Allanbank. But this further investigation of what related to the family of Sir John Stewart of Bonkyll has produced a certainty, that he, Sir John Stewart of Bonkyll, never had a son of the name of Robert; and that the introduction of Robert and of Hugh Stewarts, as sons of Sir John of Bonkyll, had taken rise merely from a false interpretation by Symson of a passage in Holinshed's Chronicle of Ireland. This is fully explained in pages 1, 2, 3, of these Corrections and Additions.

Such being the result of the additional investigations to which I was compelled by the anonymous author, I cannot help observing, that there must certainly be something particularly noxious in having any connexion with him; for I am afraid it will be found, that Mr. Stewart of Allanton's family have as little obligation to him as the Earl of Galloway's.

I have felt much regret at the necessity I have been under of bringing forth such undeniable proofs that the family of Allanton are not descended from Sir John Stewart of Bonkyll, brother of James, the High Stewart of Scotland. This may not prove any matter of regret to those branches of that family with whom I have had the pleasure of being long connected; but I very much fear, that Mr. Stewart of Allanton, who had the conversation with the anonymous author, and who shewed to him the satisfactory documents he mentions, may be rendered somewhat uneasy, I hope, however, he will revenge himself upon the anonymous author, who well deserves his utmost resentment, and that he will endeavour to forgive me for my involuntary act.

I have

"seem to have been brought on by the heavy expences incurred in raising "his contingent of troops for the French expedition. The common opi- "nion states, that he was killed in France, in 1419 or 1420, soon after "the arrival of the Scottish forces. However that may be, it is unquestion- "able that he did not long survive that event, for his lady had become a "widow at the close of the last-mentioned year."

All these facts and conjectures had been asserted or insinuated some years ago by Mr. Williams, in his papers which I had occasion to peruse; and as he had the benefit of my written observations upon them for correcting his errors, I imagined that he would have found it more prudent to have avoided the repetition of them. These observations were inserted in the Memorial concerning the Pedigree of Sir William Stewart of Jedworth, and being now printed from page 33 to page 44 of these Additions, I beg leave to refer to them.

It there appears, that Sir John Stewart of Dalswinton certainly died before the 28th of October 1420, and may have died a considerable time before that period, as Marion Stewart, in a charter of that date, granted by Murdoch Duke of Albany, is described as his widow; therefore, her husband, Sir John Stewart, who was alive in October 1418, must have died either in that year, or in the year 1419, or before the month of October 1420. If he died either in the year 1418, or in the year 1419, at any time

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I have no doubt that upon examining old records and charter chests, as well as the papers said to be in Allanton's own possession, the true ancestors of the Allanton family may be discovered, and that they will be found to have been persons in great and honorable situations; for it is universally allowed, that several of the younger branches descended from the Allanton branch of the Stewarts were men who, from their talents and characters, would have reflected honor upon any line of ancestry; and, for the sake of those younger branches, I should have been very happy to have contributed my best endeavours for discovering and ascertaining their true genealogy. At any rate, I am persuaded, that the real friends of Mr. Stewart of Allanton's family, and particularly the members of the families of Coltness and Allanbank, and their connexions, will be of opinion, that the suggestions and advice contained in my letter above inserted were friendly, and, if followed, might have led to something much more satisfactory and useful than the attempt of adhering to the very uncertain, and now refuted opinion of a descent from Sir Robert Stewart, the supposed seventh son of Sir John Stewart of Bonkyll.

before

before the end of that year, it muſt have been before the expedition to France took place ; for that expedition did not happen till the end of the year 1419, or the beginning of 1420 at ſooneſt. But if he died at any time even of the year 1420, then he could not have loſt his life in any battle in France, as both Mr. Williams and the anonymous author pretend, for it is certain that the firſt action in France at that period in which the Scottiſh troops were engaged was the battle of Beaugé, fought on the 22d of March 1421.

As to the idle conjecture relating to the ſale of the lands of Cally and Garnſalloch, as having been occaſioned by the imaginary charges to which Sir John Stewart was expoſed by raiſing his contingent of troops for the French expedition, the refutation of it will alſo be found in the pages above referred to.

In various parts of the papers made out by Mr. Williams and by his infallible follower, it is aſſerted and taken for granted, without any proof, that Sir William Stewart of Jedworth, having been proprietor of the lands of Caſtelmilk in Annandale, as well as of the lands of Jedworth in Teviotdale, had in his own lifetime given the lands of Caſtelmilk to his eldeſt ſon John, the huſband of Marion Stewart ; and that this eldeſt ſon John, having ſucceeded to the eſtate of Dalſwinton *, reſigned, according to a practice uſual with his family, his lands of Caſtelmilk to a younger brother, Sir William Stewart of Caſtelmilk, who, according to their account, was the anceſtor of the Stewarts of Caſtelmilk in Lanarkſhire.

The whole of this ſtory about Sir William Stewart of Jedworth, his poſſeſſion of the lands of Caſtelmilk, and the tranſmiſſion of theſe lands, firſt,

* The time of the death of Sir Walter Stewart of Dalſwinton is fixed, by George Crauford, to have been in the year 1399 ; for in his Genealogical Hiſtory of the houſe of Garlies and Dalſwinton, there is the following paragraph : " Sir Walter Stewart of Dal-" ſwinton died ſoon after the 27th of April 1399, and his daughter Mariotta became his " heir, being then married to Sir John Stewart, ſon and heir of Sir William Stewart of " Jedworth, ſheriff of Teviotdale."

In the anonymous book, p. 60, it is ſaid, " that on Marion Stewart loſing her father, Sir " Walter Stewart of Dalſwinton, her huſband John became Sir John Stewart of Garlie and " Dalſwinton."

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from him to his eldeſt ſon, Sir John Stewart of Dalſwinton, and, then, from him to a ſuppoſed younger brother William, is a work of imagination ſimilar to the aſſertion which has juſt now been refuted, of Sir John Stewart of Dalſwinton having engaged in the expedition to France, and of his having been killed in a battle there. For it is poſitively denied that the lands of Caſtelmilk in Annandale ever, at any period, belonged either to Sir William Stewart of Jedworth, or to his ſon, Sir John Stewart of Dalſwinton. Or that they were given by Sir John Stewart to a younger brother William, of whoſe exiſtence there is no proof that can ſtand examination. All this ſuperſtructure reſts on no better foundation than ſome paſſages in George Crawford's hiſtory, of which an account is given in pages 328, 329, 330. And the chief reliance for what relates to John ſeems to be placed upon an inſtrument of reſignation of the lands of Fulton, made by William Urry in favor of the Monks of Paiſley, anno 1409. In which inſtrument one of the witneſſes mentioned by the notary is John Stewart of Caſtelmilk. From this circumſtance, without any collateral or other proof, it has been inferred by Mr. Williams and by his follower, that the John Stewart there mentioned as a witneſs muſt have been preciſely Sir John Stewart of Dalſwinton, the huſband of Marion Stewart; and it is held by them to be of itſelf complete evidence that this John Stewart was proprietor of the eſtate of Caſtelmilk in the year 1409.

The anſwers and objections to this inference have been fully ſtated in the Genealogical Hiſtory, note, pages 330, 334; where it was ſhewn that there was reaſon to ſuſpect inaccuracy either in the name or deſcription of John Stewart, witneſs to that reſignation; but ſuppoſing there were no inaccuracy, it was averred and maintained, that there were other infallible facts and circumſtances which render that inſtrument of William Urry's of no manner of conſequence in the queſtion about the ſucceſſive repreſentatives of the Caſtelmilk family.

Though I mentioned the apparent inaccuracy in the copy of Urry's inſtrument of reſignation, taken from Richard Hay's Cartulary, it was ſtated as a matter of inferior moment, and only given in a note, where the preciſe nature and extent of the inaccuracy were alleged merely as reaſons for

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having recourſe to better evidence if it could be got. And as it could not be denied, that there was ſome apparent inaccuracy in the manner in which John Stewart was mentioned in the teſting clauſe, it was obſerved, that the accuracy of that inſtrument taken from Richard Hay's copy of the Cartulary of Paiſley, in the Advocates' Library at Edinburgh, could not be completely relied upon, without either ſeeing the original deeds themſelves which authoriſed the inſertion of a copy of it in the Paiſley Cartulary, or without ſome evidence that Richard Hay's copy of that Cartulary had been compared with the original.

Unfair repreſentation of what had been ſaid concerning the Cartulary of Paiſley.

The obſervations made on this ſubject will appear to be very natural to any perſon who candidly reads what is ſtated, pages 330, 331. But the anonymous author has thence taken occaſion to give a very unfair repreſentation, and to allege that I had inſinuated that the copy of the Cartulary of Paiſley in the Advocates' Library, was a *record of no authority whatever*. And proceeding upon this falſe idea, he has dedicated many pages of his book, from page 102, to a commentary upon my denial of the authority due to Richard Hay's copy of the Cartulary of Paiſley.

It is very eaſy to point out the fallacy of theſe elaborate commentaries. What had been ſaid by me amounted only to this: that when in any record, or copy of a record, there is a reaſon pointed out for ſuſpecting an inaccuracy, and where there may be better evidence to appeal to, complete reliance cannot be given to the copy without having recourſe to that better evidence. It is a maxim in every court acquainted with the rules of evidence, that a perſon appealing to evidence ought to produce the beſt that the nature of the caſe will admit. It cannot be denied that in the preſent caſe there were two pieces of evidence entitled to more credit than Richard Hay's copy of the Cartulary of Paiſley; the one was the original inſtrument of reſignation itſelf, which, of all others, would be the beſt evidence, preferable to any copy of that inſtrument; and it is very poſſible and even probable that that original inſtrument ſtill exiſts, and may be found ſome where with the title deeds of the lands of Fulton, in the ſhire of Renfrew: the other piece of evidence entitled to more credit than Richard Hay's copy was the original Cartulary itſelf, belonging to the Abbey of Paiſley; which Cartulary there is reaſon to believe ſtill exiſts, and upon a proper ſearch will yet be

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diſcovered; for that original Cartulary came into the poſſeſſion of the Earl of Dundonald's family, when they acquired right to great part of the eſtates in Scotland which had belonged to the Monks of Paiſley. That Cartulary I have myſelf often ſeen in my father's poſſeſſion, who had the charge of all the papers belonging to the Dundonald family, while the remains of that eſtate continued with his ſon-in-law, the late Earl of Dundonald. And that Cartulary was delivered over by Lord Dundonald to the late Earl of Abercorn when the Paiſley eſtate was ſold to him, about twenty or thirty years ago.

I have myſelf, within theſe few years, frequently applied to the Marquis of Abercorn's man of buſineſs, Mr. Walter Scott, W. S., to make ſearch for that Cartulary of Paiſley, which he told me, he had done without being able to find it; and I think he ſaid, that he had ſome recollection of its having been once lent to the late Sir Robert Douglas the antiquary, and that it had afterwards diſappeared.

The anonymous author, page 102, avers that "I had endeavoured, in a "long diſcuſſion, to undermine the authenticity of the Cartulary of Paiſley "altogether." How true this is, will appear to any perſon who reads the note before referred to, pages 330, 331; which contains all that I ever ſaid on the ſubject. There is not one word ſaid there for undermining the credit of the Cartulary of Paiſley; but it tells a matter of fact, that the Cartulary which is now in the Advocates' Library, is not the original Cartulary of Paiſley, but a copy which formerly belonged to Richard Hay of Drumboote, and that where there was any reaſon to ſuſpect inaccuracy it would be requiſite, before placing complete reliance on the copies of deeds there inſerted, either to ſee the original deeds themſelves, which authoriſed that inſertion, or to have ſome evidence that Richard Hay's copy had been compared with the original which belonged to the Abbey of Paiſley. But I never ſaid or inſinuated either there, or in any other part of the Genealogical Hiſtory, that the copy of the Cartulary in the Advocates' Library was not to be truſted or referred to as evidence in caſes where, from other circumſtances, there was nothing of inaccuracy ſuſpected or pointed out to make it neceſſary to have recourſe to better evidence. I very well knew that where there were no reaſons to ſuſpect error or inaccuracy from

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ſpecified circumſtances, Richard Hay's Cartulary in the Advocates' Library was now uniformly appealed to as evidence of its contents; and, if I am not miſtaken, has been ſuſtained as ſuch by the Court of Seſſion, in caſes where it appeared to be the beſt evidence that could be got; and I certainly could have no intention of overturning that Cartulary in all caſes, as I had myſelf frequently appealed to papers in it, in the courſe of the Genealogical Hiſtory. But from what is now to be ſtated, it will be made ſtill more manifeſt that there could be no motives to make me wiſh to overturn the credit due to that Cartulary, or to William Urry's inſtrument of reſignation contained in it.

Examination of the Arguments and Inferences from the mention of a John Stewart of Caſtelmilk in William Urry's Inſtrument of Reſignation in the year 1409.

THE anonymous author having given an unfaithful account of what had been ſtated in the Genealogical Hiſtory concerning the Cartulary of Paiſley in the Advocates' Library, and the Commentaries upon William Urry's inſtrument of reſignation, it has been thought proper now to correct thoſe miſ-ſtatements; and that being done, I have no heſitation, for argument's ſake, to ſuppoſe that the copy of William Urry's reſignation, taken from Richard Hay's Cartulary, ſhall be held as an authenticated copy from the original Cartulary of Paiſley, and even equal to the original inſtrument of reſignation itſelf. From which it will follow in the preſent argument, that there is evidence of the exiſtence of a John Stewart of Caſtelmilk in the year 1409. But I truſt it will be made apparent that even theſe admiſſions will not give any ſolid ſupport to the arguments maintained by Mr. Williams and his anonymous friend, and will be found to be totally inſufficient for removing the various objections to their arguments even on this branch of the queſtion.

The only matter of proof produced by the anonymous author, in ſupport of a long chain of conjectures, is the inſtrument of reſignation of William Urry in 1409, in the copy of the Cartulary of Paiſley; in which are found the following words:

"Præſentibus *dictis Joanne Seneſcallo de Caſtelmylke*, Joanne Semple &c.
"Teſtibus ad præmiſſa vocatis ſpecialiter et rogatis."

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The anonymous writer maintains, that the John Stewart of Caſtelmilk thus referred to, was preciſely Lord Galloway's anceſtor, Sir John Stewart of Dalſwinton, who he ſuppoſes to have been at one period of his life proprietor of the lands of Caſtelmilk. But it muſt be obſerved, that there is no charter or authentic inſtrument of any ſort produced, for proving that the property of theſe lands of Caſtelmilk ever belonged to Sir John Stewart of Dalſwinton. There has been only an endeavour to make it poſſible, or probable, that the ſaid Sir John Stewart of Dalſwinton may at ſome period have been the proprietor of theſe lands. But in order to gain admiſſion to that ſuppoſition, there is a whole chain of ſuppoſitions and conjectures propoſed by Mr. Williams and the anonymous author, which muſt all of them be adopted, otherwiſe the whole ſyſtem falls to the ground; as will appear from the following ſtate of particulars.

The firſt ſuppoſition to be adopted is, that Sir William Stewart of Jedworth, and Sir William Stewart of Caſtelmilk, were not two diſtinct perſons, but one and the ſame perſon. And that Sir William Stewart of Jedworth was proprietor of the lands of Caſtelmilk in Annandale, as well as of the lands of Jedworth in Teviotdale; and, as ſuch, was ſometimes deſcribed Sir William Stewart of Jedworth, and at other times Sir William Stewart of Caſtelmilk.

Of this firſt ſuppoſition there is no manner of evidence produced; it reſts wholly on aſſertions, founded on no better authority than the aſſertion of that very inaccurate hiſtorian George Crawford, in a manuſcript hiſtory which he had been employed to draw up for the Earl of Galloway's family, and in which he ſtudied as much as poſſible to give a flattering account of his Lordſhip's anceſtors, though at the expence of depriving ſome other families of anceſtors who truly belonged to them *.

The ſecond ſuppoſition is, that Sir William Stewart of Jedworth, being proprietor both of the eſtate of Jedworth and of Caſtelmilk, did, upon the marriage of his ſon John with Marion Stewart, heireſs of Dalſwinton, in 1396,

* Crawfurd, in his Peerage, p. 157, publiſhed in the year 1716, gave an account of Lord Galloway's anceſtors, but he did not there pretend, or venture to aſſert in print, that Sir William Stewart of Jedworth ever was proprietor of the lands of Caſtelmilk, or that he was ſometimes deſcribed of Caſtelmilk, and at other times of Jedworth.

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give to John the lands and eſtates of Caſtelmilk for his own behoof, and at his own diſpoſal. Of this alſo there is no manner of evidence.

The third ſuppoſition is, that upon the death of Sir Walter Stewart of Dalſwinton, father of Marion Stewart, which, according to George Crawford, happened about the year 1399, John Stewart having ſucceeded to the opulent eſtate of Dalſwinton, he, upon that occaſion, gave over and relinquiſhed to his younger brother William the eſtate of Caſtelmilk. Of this alſo there is no manner of evidence.

It cannot be denied that theſe three ſuppoſitions hang upon one another, for if one of them is falſe the others muſt fall to the ground. For inſtance, if the lands of Caſtelmilk never belonged to Sir William Stewart of Jedworth, he never could have given theſe lands to his eldeſt ſon Sir John Stewart of Dalſwinton. And if there was no truth in the donation of the lands of Caſtelmilk from Sir William to John, then Sir John Stewart of Dalſwinton could not be the perſon meant under the deſcription of John Stewart of Caſtelmilk, in William Urry's reſignation.

But further, if there is no foundation for the ſtory of Sir John Stewart of Dalſwinton having got the lands of Caſtelmilk from his father Sir William, then there can be no foundation for the other ſuppoſition of that John Stewart's having made a preſent of theſe lands of Caſtelmilk to his younger brother William. And there is an additional difficulty in this part of theſe ſuppoſitions, to wit, that there is no evidence of the exiſtence of a William Stewart brother of Sir John Stewart of Dalſwinton; therefore, before gaining credit to that part of the hiſtory given about the various preſents of the eſtate of Caſtelmilk from father to ſon and from brother to brother, it would be incumbent, in the firſt place, on Mr. Williams and his follower, to give ſome real ſolid proof that Sir John Stewart of Dalſwinton had a brother of the name of William. It ſeems likewiſe to be incumbent on them to prove that Lord Galloway's anceſtor, Sir John Stewart of Dalſwinton, was at ſome period proprietor of the lands of Caſtelmilk. This ought not to be a matter of difficult proof if founded in truth. For as Sir John Stewart was poſſeſſed of various eſtates, ſuch as Garlies, Dalſwinton, and alſo of Caſtelmilk, as now pretended, Lord Galloway muſt certainly have in his charter-room various papers and title deeds relating to that Sir John

Stewart

Stewart and the eſtates belonging to him; and if the fact was ſo, it is moſt probable that ſome of theſe papers would afford evidence that the lands of Caſtelmilk had at ſome period belonged to him; but if theſe papers contain no indication of that ſort, then they ought to be conſidered as affording ſome degree of evidence againſt that ſuppoſed fact.

It is more particularly incumbent on Lord Galloway to prove what relates to his anceſtor Sir John Stewart of Dalſwinton, becauſe he never can make out his title to the object in view without claiming through that Sir John Stewart; for the point contended for by Lord Galloway is, that Sir William Stewart of Jedworth was the brother of Sir John of Derneley, and the ſon of Sir Alexander Stewart of Derneley. But in order to connect himſelf with that Sir William Stewart he muſt claim through Sir John Stewart of Dalſwinton, who was Sir William of Jedworth's eldeſt ſon.

On the other hand, the Stewarts of Caſtelmilk do not claim through that Sir John Stewart in any reſpect; they claim directly through Sir William Stewart of Caſtelmilk, brother of Sir John Stewart of Derneley, but different from Sir William of Jedworth, without any connection with Sir John Stewart of Dalſwinton; and therefore they apprehend that they are not bound to give any account of him, or to take him out of the way. Their claim reſts upon very different and certainly on more ſolid grounds, as will appear from what follows.

It is admitted on all hands that Sir William Stewart deſcribed of *Caſtelmilk, miles*, mentioned in Rymer's Fœdera in 1398, as one of the ſureties for the peace of the weſtern borders, was the brother of Sir John Stewart of Derneley.

It is alſo admitted that Sir William Stewart, the brother of Sir John, engaged in the expedition to France, and that both brothers were killed at the battle of Rouvroy in February 1429.

Therefore it is eſtabliſhed by unqueſtionable evidence, that Sir William Stewart of Caſtelmilk was alive during the whole of the period from 1398 to the beginning of February 1429. Conſequently, any charter or other deeds during that period where Sir William Stewart of Caſtelmilk is mentioned

mentioned as a witnefs, muft be prefumed to apply to that Sir William Stewart of Caftelmilk, of whofe then exiftence there can be no doubt, not to a Sir William Stewart, whofe exiftence at any period remains to be proved.

But it has been objected for Lord Galloway, that the inftrument of refignation by William Urry in 1409, proves that there was at that time a John Stewart of Caftelmilk, which is faid to be irreconcilable with the notion of thefe lands belonging at that time to a Sir William Stewart.

It is impoffible that Lord Galloway can by that objection mean to infer that Sir William Stewart had died before 1409; for the continuation of Sir William Stewart's life to the battle of Rouvroy in 1429 is afcertained by the moft indifputable evidence, and has been admitted and argued upon on the part of the Earl of Galloway himfelf. The nature and tendency of the objection therefore muft be directed to this point, that Sir William Stewart muft have been divefted of the property of the lands of Caftelmilk before 1409, when there appears a John Stewart of Caftelmilk mentioned by the notary to William Urry's refignation. And further Lord Galloway contends, that this John Stewart of Caftelmilk mentioned by the notary, was precifely his anceftor Sir John Stewart of Dalfwinton.

In anfwer to thefe affertions, it is to be obferved in the firft place, that there is nothing in the defcription of John Stewart of Caftelmilk that has any neceffary relation to Sir John Stewart of Dalfwinton; on the contrary, there are circumftances on the face of it which are adverfe to that fuppofition. For no part of the defcription alludes to the proprietor of the eftate of Dalfwinton, and the John Stewart therein mentioned is not mentioned as a Knight, which Sir John Stewart of Dalfwinton at that time was.

But there is a more folid ground for excluding the fuppofition of the lands of Caftelmilk having belonged to a John Stewart, or to Sir John Stewart of Dalfwinton in 1409; for it appears from evidence, that thefe lands belonged to Sir William Stewart of Caftelmilk at that very period, or at leaft very near to it, and therefore could not have belonged to John Stewart.

It has been fhewn from Rymer's Fœdera, that the eftate of Caftelmilk belonged to Sir William Stewart, knight, in the year 1398. This is one foundation to go upon.

Secondly,

Secondly, it is proved from a charter by Archibald Earl of Douglas, in the year 1411, that Sir William Stewart was proprietor of the eftate of Caftelmilk at that period, for he is one of the witneffes to that charter by Archibald Earl of Douglas, and is defcribed precifely in the fame manner in which he was defcribed in Rymer's Fœdera in 1398; "Dominus Willi-"elmus Stewart de Caftelmylke miles." — It has been fhewn, from page 324 to 327 of the Genealogical Hiftory, that this charter by the Earl of Douglas, was not of a more early date than the year 1411.

Thirdly, upon the death of Sir William Stewart of Caftelmilk, in the year 1429, his eldeft fon David fucceeded to the eftates which had belonged to his father, confifting of the lands of Finnart, Caftelmilk, &c.

The effects of thefe three clear and diftinct pieces of evidence are, that Sir William Stewart poffeffed the eftate of Caftelmilk in 1398 and 1411, and that it went to his eldeft fon by fucceffion in 1429, from which period that eftate was uniformly enjoyed by the defcendants from the faid Sir William and David Stewarts, till it was fold by Archibald Stewart of Caftelmilk in 1578 to John Lord Maxwell, after which fale the Stewarts of Caftelmilk retired to their eftate of Caffilton in Lanerkfhire, to which they transferred the name of Caftelmilk.

If it were true, as alleged by Lord Galloway, that his anceftor, Sir John Stewart of Dalfwinton, was proprietor of the lands of Caftelmilk in 1409, then they muft have paffed from the firft Sir William Stewart to John at fome period between the 1398 and 1409, and they muft have come back again to Sir William Stewart at fome period between 1409 and 1411, and have continued with him and his family from that time downwards.

If the evidence above ftated, that the Stewarts of Caftelmilk were defcended from the firft Sir William Stewart of Caftelmilk, be confidered as clear, the next queftion is, whether the mention of a John Stewart of Caftelmilk in the refignation of William Urry in 1409, be fufficient to overturn the whole? And this leads to confider the degree of evidence which arifes from the words contained in that inftrument, in oppofition to the other proofs already ftated.

The firft obfervation that occurs is, that John Stewart of Caftelmilk is in the docquet fubjoined to the notary's inftrument introduced as a perfon who

who had already been mentioned in the ſame inſtrument; but in fact he is no where mentioned but in that laſt clauſe. From whatever cauſe that proceeded is altogether immaterial; it is evidently and clearly an inaccuracy of the notary. If he had really inſerted the name of John Stewart of Caſtelmilk in a preceding part of the inſtrument, as he ought to have done ſince he choſe afterwards to deſcribe him as a perſon already mentioned, it is to be preſumed that he muſt, in that prior entry, have given his deſcription more at length, otherwiſe the referring to him as already mentioned would have been unneceſſary, if in the ſecond entry he was to give him the ſame full deſcription as before.

But how can it be explained, that John Stewart was proprietor of Caſtelmilk in 1409, and Sir William Stewart proprietor of the ſame lands and deſcribed as ſuch about 1411?

Mr. Williams and the anonymous author ſeem to have been aware of this difficulty, and their method of explaining it is, that Sir William Stewart of Jedworth was alſo proprietor of the lands of Caſtelmilk, and that he was the perſon alluded to in Rymer in 1398; that he gave off theſe lands of Caſtelmilk to his eldeſt ſon John Stewart, on his marriage with the heireſs of Dalſwinton; that this John Stewart afterwards gave theſe lands to his brother William, who was the perſon deſcribed in the charter of the Earl of Douglas in 1411. But they give no ſort of evidence in ſupport of any of theſe gueſſes or conjectures; nay, no manner of evidence that William Stewart, the ſuppoſed brother of John, was knighted; and what is worſe, no proof that he ever exiſted.

According to their ſuppoſition there muſt have been two Sir William Stewarts of Caſtelmilk, who exiſted during many years of the ſame period; for they ſuppoſe that Sir John Stewart of Dalſwinton, who died before the year 1420, had, upon his ſucceeding to the Dalſwinton eſtate, relinquiſhed in favour of his younger brother William, whom they have been pleaſed to create a knight, the eſtate of Caſtelmilk, which continued to be enjoyed by him till the time of his death about the year 1439, as ſuppoſed by them; whilſt, at the ſame time, it is certain that the firſt Sir William Stewart of Caſtelmilk lived down to the month of February 1429, and it was upon his death that his ſon David ſucceeded to theſe and other lands.

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The difficulty in this matter is, to reconcile the entry in the reſignation of William Urry, 1409, with the other proofs that the lands of Caſtelmilk did belong to Sir William Stewart mentioned in Rymer, 1398, and again in the charter of the Earl of Douglas, 1411.

It evidently appears, that the attempts made by Mr. Williams and his follower, to reconcile theſe pieces of evidence, have been altogether unſucceſsful, and are contradictory to a variety of known and eſtabliſhed circumſtances. But it is far from impoſſible that the John Stewart deſcribed in William Urry's reſignation, may have been Sir John Stewart of Derneley. It is true that the notary does not deſcribe him as *Miles;* but the ſame objection would lie againſt the ſuppoſition that John Stewart of Dalſwinton was meant, for he too was a knight before the year 1409; and, as the notary to this inſtrument appears to have been a perſon not remarkable for his accuracy, the omiſſion of the deſcription of knight was natural enough, when he mentioned him at the end of the deed, as a perſon he had already mentioned in a former part, where the full deſcription ought properly to have been inſerted, as uſual.

It is proved, that Sir John Stewart of Derneley was deſcribed of Caſtelmilk, in 1387; and it is alſo proved that he continued to be ſuperior of the lands of Caſtelmilk, till the time of his death in 1429; and that his grandſon obtained a grant of the nonentry duties of the lands of Caſtelmilk, from 1429 to 1468, his brother Sir William having held the lands of him as vaſſal. There is, therefore, nothing at all improbable in Sir John Stewart of Derneley his being one of the witneſſes to the reſignation of William Urry, Sir as John's principal eſtate and place of reſidence of Derneley was in the near neighbourhood of Paiſley; and there is no reaſon to ſuppoſe that he was not in Scotland at that time; on the contrary it appears, that in 1407, Sir John Stewart of Derneley, then in Scotland, was one of the perſons who ſwore to the obſervance of the treaties between France and Scotland. Du Tillet, p. 327.

Gen. Hiſt. p. 106.

p. 107.

And although it would certainly have been more proper for this accurate notary to have deſcribed him Sir John Stewart of Derneley, yet as he was actually the ſuperior of the lands and eſtate of Caſtelmilk, and the immediate vaſſal of the Lords of Aimandale in theſe lands, and had

formerly

formerly been described of Castelmilk, the notary, who may well be supposed ignorant of the precise time when Sir John Stewart took the designation of Derneley in preference to that of Castelmilk, might naturally enough have given him that designation of Castelmilk, which could not fail to be perfectly understood as applicable to him in those times; for he was not uniformly described as of Derneley—he had other designations. Thus in a charter dated 11th December 1406, granted by Dame Janet Keith in favor of her son Andrew de Hamilton, to which her son Sir John Stewart of Derneley is one of the witnesses—He is not therein described as Sir John Stewart of Derneley, on the contrary, he is thus described: "Joannes Senescallus "filius meus *Dominus de Cruikistoun.*" What makes this instance the more remarkable is, the certainty that Sir John Stewart had succeeded to the estate of Derneley before the date of this charter, for in that same charter Janet Keith the granter of it is described as being then in her widowhood. Which leaves no doubt that Sir Alexander Stewart of Derneley being then dead, his son Sir John had succeeded to the Derneley estate before that time.

It has already been observed, that the Stewarts of Castelmilk, who do not claim through Sir John Stewart of Dalswinton, were not bound to remove out of the way, or to account for *the John Stewart* mentioned in William Urry's resignation. However, as every part of the system which Mr. Williams and his anonymous friend have adopted for Lord Galloway rests merely upon guesses or conjectures, unsupported by conclusive proofs, it was thought that it might not be improper here to submit to consideration the above conjecture: which will appear to be better founded, and to be more connected with probability, than any one of those attempted on the part of the Earl of Galloway.

But the above is not the only reasonable conjecture that might be formed with regard to John Stewart of Castelmilk, referred to in Urry's resignation, in 1409. For if I were to assume the same liberty of making guesses or conjectures, that has so frequently been assumed on the part of the Earl of Galloway, it would not be difficult to form conjectures concerning that John Stewart of Castelmilk, which would be supported with much greater probability at least, than any of the various conjectures that have been hazarded on the other side.—For instance, it might fairly be presumed or conjectured, that John Stewart of Castelmilk, mentioned as present at the instrument taken by the notary, was a son of Sir William Stewart

 of

of Castelmilk; for, as he is not described as a knight, whilst others of the witnesses are so described, it is a sort of presumption that he was a young man: the John Stewart here alluded to may have been the eldest son of Sir William Stewart of Castelmilk, and pre-deceased his father; or, he may have been one of Sir William's younger sons. For there are instances, at that very period, and particularly in the Derneley family, which shew that it was not unusual in those times to describe even the younger sons of great proprietors by the title of the land estate which belonged to the family, as being a sufficient mark of distinction, when joined with the christian name, for ascertaining the person meant. Thus there is in the public records, a charter dated at the monastery of Paisley, in the year 1406, granted by the Duke of Albany, Governor of Scotland, in favor of William Cunningham of Reidhall, to which charter Robert and Alexander Stewarts, two of the younger sons of the Derneley family, are witnesses, and they are thus described: "*Robert and Alexander Stewarts of Derneley.*" It is very well known that these were two of the younger sons of Sir Alexander Stewart of Derneley, whose eldest son Sir John was the only person properly entitled to the designation of Derneley, though it is here given to the younger sons, as being thought sufficient, with their christian names, for ascertaining who they were.

In the same way, if Sir William Stewart of Castelmilk had either an elder or a younger son of the name of John, it might be thought proper, even by a more accurate man than the notary in question, to describe him John Stewart of Castelmilk, as the christian name, joined with the name of the land estate of the family, would leave no doubt as to the person meant to be described.—A similar practice, even in modern times, took place in France, where it was usual for the youngest sons to be described by the title or name of the *térre* or land estate of the family.

That Sir William Stewart of Castelmilk had a son of the name of John, is a fact so highly probable that it can scarcely be doubted of, considering the remarkable friendship and intimacy which subsisted between the two brothers, Sir John and Sir William Stewart. And it is not at all likely that the name of John, which appears to have been a favorite name in the family during many generations, should have been neglected in the first instance by Sir William Stewart, attached as he was to his brother Sir John, whose name and actions reflected so much honor upon the family.—That son of the name of John, may probably have died during his father's life, in the period between 1409 and 1429.

The

The only ſons of Sir William Stewart of Caſtelmilk who have been taken notice of in the Genealogical Hiſtory, are David, Archibald, Matthew and Walter, becauſe theſe were the only ſons of whom I had diſcovered any mention in old charters; but it does not follow from thence, that Sir William Stewart might not have had ſeveral other ſons.—It was only by degrees, and in the courſe of ſeveral years, that I diſcovered the names of thoſe ſons above-mentioned; and it cannot be reckoned ſurpriſing that at the diſtance of four hundred years we ſhould not now be able to prove from records, the names of all the ſons of Sir William Stewart.

The ſuppoſition that John Stewart mentioned in William Urry's reſignation was a ſon of Sir William Stewart of Caſtelmilk, has this great advantage, that it is perfectly conſiſtent with the other eſtabliſhed proofs that the eſtate of Caſtelmilk at that time belonged to Sir William Stewart of Caſtelmilk, knight; and renders unneceſſary the extravagant ſuppoſition of that eſtate having belonged, in 1409, to Sir John Stewart of Dalſwinton.

The anonymous author has informed us, that he laid the reſignation of William Urry before a learned friend, who is alſo anonymous, "but "whoſe acquirements as a Scholar, and whoſe reputation as a Lawyer are "equally diſtinguiſhed;" and he has favored us with the written opinion given by this very reſpectable gentleman. But the reſult of that opinion amounts to no more than this: that William Urry's reſignation is a complete preſumptive proof of the exiſtence of John Stewart of Caſtelmilk, in 1409; which, he ſays, cannot poſſibly be redargued unleſs by a poſitive proof, that the lands were then the property of ſome other perſon.

It may be obſerved, in the firſt place, that the exiſtence of a John Stewart, deſcribed by the notary as of Caſtelmilk, in 1409, does not neceſſarily prove that he was proprietor of Caſtelmilk, much leſs does it prove that he was the ſon of Sir William Stewart of Jedworth, who never had a right to theſe lands.

But 2dly, in ſpite of my profound reſpect for the learned anonymous friend of the other anonymous, I cannot admit, that a preſumptive proof can only be redargued by a poſitive proof; for I maintain, and I believe few will contradict my poſition, that a preſumptive proof may be completely redargued by contrary preſumptive proofs; and that it will depend upon the weight of the oppoſite preſumptions, which of them is beſt entitled to belief.

Let

Let this doctrine be applied in the present case, for deciding whether, upon the evidence stated on each side, there is most reason to believe that the estate of Castelmilk belonged, in the year 1409, to Sir William Stewart of Castelmilk, whose existence is ascertained by the respectable evidence of Rymer's Fœdera, and of an original charter by the Earl of Douglas; or, that these lands belonged to a John Stewart of Castelmilk, whose existence is ascertained only by an obscure notary, who appears not to have been distinguished by his accuracy at least; including in this last branch of the alternative the further suppositions necessary to be adopted, to wit, that the John Stewart mentioned in that Instrument, was precisely Sir John Stewart of Dalswinton, Lord Galloway's ancestor; and that from this John Stewart the lands of Castlemilk shifted in 1411, to another Sir William Stewart, different from the person named in Rymer, in 1398, but of which additional Sir William Stewart no certain traces of his existence are any where to be found.

Fallacy of what is contended for by Mr. Williams and the Anonymous Writer, in maintaining that WALTER STEWART *of* ARTHURLY *was not the son of the first Sir* WILLIAM STEWART *of* CASTELMILK, *but the son of an imaginary second Sir* WILLIAM STEWART *of* CASTELMILK; *and fallacy of their arguments concerning the time allotted by them for the death of that second Sir* WILLIAM STEWART.

MR. WILLIAMS and his anonymous friend pretend they have discovered that there was a Sir William Stewart of Castelmilk who was alive in the year 1439, but who died before the first of February 1440; whence they contend, that this Sir William Stewart must have been the brother of Sir John Stewart of Dalswinton, and the father of Walter Stewart of Arthurly, who according to these supposed facts could not, they say, have been the son of the first Sir William Stewart of Castelmilk, who was killed at the battle of Rouvroy, in 1429.

To these assertions and suppositions there are various answers.

1st. No person before Mr. Williams and his follower has ever doubted that Walter Stewart of Arthurly was one of the younger sons of the first Sir William Stewart of Castelmilk; neither is there any other person who ever pretended that there was a Sir William Stewart of Castelmilk,

who had died between 1439, and 1ſt February 1440. But it is in vain to diſpute about the time of the death of the ſecond Sir William Stewart, until it ſhall be proved in a ſatisfactory manner that ſuch a perſon ever exiſted :—No ſuch proof has hitherto been produced, and it is believed that there is no likelihood of any ſuch proof being ever produced.

The foundation on which Mr. Williams and his anonymous follower have built this argument concerning the death of a Sir William Stewart in the period between 1439, and 1ſt February 1440, is this,—they ſuppoſe that there are two original charters now extant, the one dated in 1439; by which John Pollock diſponed to John Roſs, Laird of Haulkhead, and Walter Stewart, *ſon of William Stewart of Caſtlemilk*, equally betwixt them, the lands of Arthurly in the borony and ſhire of Renfrew. The other charter under the great ſeal, dated 1ſt February 1439, in modern ſtyle 1440, by King James II. whereby he grants the one half of the lands of Arthurly in the barony of Renfrew, to Walter Stewart ſon of the *deceaſed Sir William Stewart of Caſtlemilk Miles*.

From theſe premiſes they have inferred, that Sir William Stewart of Caſtelmilk muſt have died preciſely in the ſhort period between 1439, and 1ſt February 1440, becauſe in the firſt of theſe charters Walter Stewart is, they ſay, deſcribed ſon of William Stewart of Caſtelmilk, without the addition of the word *deceaſed*, whereas in the laſt of them he is deſcribed as ſon of the *deceaſed* Sir William Stewart of Caſtelmilk knight.—This ſeems to have been ſo favorite an argument with the anonymous writer, that he has dedicated no leſs than eight pages of his book to it, from p. 120. to p. 128.—But it will be ſhewn that this is merely a captious argument, unſupported either by fact or by fair inference.

For, admitting that in two deeds drawn up by different perſons about the ſame period, Walter Stewart had in one of them been deſcribed as ſon of the *deceaſed* Sir William Stewart, of Caſtelmilk, while in the other he is deſcribed only as ſon of William Stewart of Caſtelmilk; it does not thence neceſſarily follow, that the William Stewart thus deſcribed had died in the period ſubſequent to the deed wherein Walter had been deſcribed ſimply as the ſon of William Stewart, and before the date of the deed wherein he was deſcribed ſon of the *deceaſed* Sir William Stewart: for either of theſe deſignations was ſufficient to deſcribe Walter Stewart, and to aſcertain preciſely who he was, which is the only real object of a de-

ſignation;

fignation;—and when deeds are drawn up by different perfons, fuch dif-crepancies in the mode of the defignations muft frequently happen, according to the greater or leffer degree of precifion of the perfon employed; for the one mode of defignation is equally valid with the other, to all intents and purpofes. And it was no part of the object of thefe papers to afcertain whether the father of Walter Stewart was dead or alive at the date of thefe deeds, or at what time he had died; though the argument ufed for Lord Gallloway proceeds on a fuppofition that thefe were the precife points to be afcertained by the defignation of Walter Stewart.

Indeed according to the mode of reafoning adopted by Mr. Williams and his obfequious friend, it ought to be inferred, that Sir William Stewart of Caftelmilk was not a knight in 1439, but that he was created a knight between that date and the 1ft February 1440. For in the article relating to the charter in 1439, by John Pollock, Walter Stewart is defcribed fon of William Stewart of Caftelmilk, without mentioning that he was a knight; whereas in the charter under the great feal, 1ft February 1440, he is defcribed as fon of the deceafed Sir William Stewart of Caftelmilk, knight. The argument muft either be conclufive in both or in neither of thefe cafes, for the ground on which it proceeds is precifely the fame in both.

2dly. In point of fact, no perfon, either on the part of Lord Galloway, or of the Stuarts of Caftelmilk, has as yet feen the charter above-mentioned, dated in 1439, wherein Walter Stewart is faid to be defigned fon of William Stewart of Caftelmilk, without the addition of the word *deceafed*.—For the fact is, that the article relating to the charter 1439, by John Pollock to John Rofs and Walter Stewart, was not copied from the charter itfelf, but from an inventory of Lord Glafgow's papers, in the poffeffion of Mr. Thomas Tod, writer to the fignet;—after obtaining which extract from Lord Glafgow's inventory, application was made to his Lordfhip, and to the perfon who had charge of his papers at Halkhead, for infpection of that original charter, not doubting that it would fpeedily and eafily be found. After fome time beftowed in fearching, the anfwer received was, that the charter fought for had fome how or other been mifplaced or miflaid, for that a fearch had been made for it without being able hitherto to find it. There are hopes, however, that it may ftill be found on a more diligent fearch; and there can be no doubt that it will then appear, that Walter Stewart is in that deed defigned, in the

the ſame manner as in the royal charter, 1ſt February 1440, ſon of the deceaſed Sir William Stewart of Caſtelmilk, knight.—For the diſpoſition or charter by John Pollock was the warrant for the crown charter which followed upon it, and it is well known to every man of buſineſs, that the deſcriptions in crown charters of perſons and places are regulated by the deſcriptions in the warrants of theſe charters. All theſe particulars are ſtated in a full and ſatisfactory manner in the Genealogical Hiſtory, from page 351 to page 356. And I cannot help thinking, that every perſon who reads the account there given, muſt, if he has any degree of candor, be perfectly ſatisfied that it contains the true and genuine ſtate of this matter; but if he happens to be captious, the facts therein ſtated will, all of them, when neceſſary, be eſtabliſhed in the moſt ſolemn manner by the legal evidence of Mr. Tod, who furniſhed the extract from Lord Glaſgow's inventory, and by the judicial teſtimony of the perſons who in conſequence thereof made ſearch in Lord Glaſgow's charter-room at Halkhead for the paper in queſtion.

Notwithſtanding the various inſtances already given of facts and aſſertions hazarded without any foundation in truth, or at leaſt totally unſupported by proofs, there remain other ſimilar inſtances which might be produced. But it is really tireſome to follow Mr. Williams through all his mazes of errors and conjectures, eſpecially as it is not eaſy to fix him to any preciſe ground; for it has frequently happened that when driven from one poſition which he had found to be untenable, he has reſorted ſucceſſively to other grounds not more defenſible; and thus, aſſuming the privilege of a very *Proteus* to vary his ſhapes and forms at pleaſure, the labour and fatigue of purſuing him through all his variations is much increaſed; hence theſe ſheets have extended far beyond what was originally propoſed.

The work of the anonymous author is even more reprehenſible, from the encreaſed boldneſs of aſſertion, with a ſimilar or greater diſregard of genuine proofs.

If it ſhould be found that there remain in this laſt-mentioned work any facts or arguments not hitherto refuted, becauſe not touched upon, and that the author ſhould thence be induced to flatter himſelf that the truth or force of his aſſertions in thoſe parts was admitted, he may, if it

can afford him any consolation after the preceding detection of his various attempts to mislead, be allowed the benefit of that temporary gratification. I have no objection to permit his enjoyment of a short-lived triumph of this sort, unless it should inspire him with fresh courage to persist in attacks, such as may call for a further refutation.

It may be necessary however to take some notice at present, of a few general propositions and assertions which have been repeated in various different parts of the work in question.

Answer to the Imputation of having differed from all the Genealogical Writers with respect to the Pedigree of the Earl of Galloway.

In p. 14. it is said, that "the author of the "Genealogical History of the "Stewarts" certainly can boast of being the first person who ever doubted or "called in question Lord Galloway's pretensions. His right of descent "from the eldest branch had been so universally acknowledged, so uniform- "ly sanctioned by time and opinion, that, had it not been for the formal "attack in 1794, or at least the rumour that announced it, in all probability "it never would have occurred to him to substantiate his claims by a pro- "duction of the legal evidence."

One would imagine, from this paragraph, and from many others in the course of the book, that all genealogical writers had concurred in giving to the Earl of Galloway's family the same lineage and ancestors that have now been assigned to them by Mr. Williams and his faithful satellite, and the same preference to all other competitors for the honor of representing the Derneley family. But they have taken care not to mention the authors who had done so; and I believe I may with great confidence venture to assert, that, excepting Mr. Williams and his anonymous friend, there is no author whatever that ever gave to Lord Galloway's family, or to Sir William Stewart of Jedworth, the same pedigree that they have done; particularly no author that ever said or insinuated that Sir William Stewart of Jedworth, (the unquestionable ancestor of the Earl of Galloway,) was the son of Sir Alexander, or the brother of Sir John Stewart of Derneley. In truth, they can produce no author who ever has given any such account of the father or brother of Sir William Stewart of Jedworth,

or who has ever ſuppoſed him entitled to that pedigree. Without eſtabliſhing theſe facts, it is quite impoſſible that Lord Galloway could ever make out his claim to the repreſentation of the Derneley family after the death of Cardinal York, the laſt of the male deſcendants from Sir John Stewart of Derneley; for it is agreed on all hands, that the repreſentation muſt undoubtedly go to the perſon who ſhall be able to prove himſelf deſcended from Sir William Stewart, the brother of that Sir John Stewart of Derneley. Therefore the aſſertion that all genealogical writers had eſtabliſhed the foundation of Lord Galloway's claim, and the preference due to it, is totally erroneous, and has been ſuggeſted only for the purpoſe of miſleading and for inducing a belief, that I was the only perſon who had ever diſputed the authority of the genealogical writers, or who had called in queſtion the Earl of Galloway's right, uniformly acknowledged by time and opinion. The only genealogical writers whoſe authority I diſpute are Mr. Williams and his obſequious flatterer *.—Their authority, however reſpectable it may appear to themſelves, I cannot admit without proofs; and in what manner they have avoided this teſt muſt be ſufficiently apparent from the preceding diſcuſſion of their facts and arguments.

It will be found that all, or almoſt all the genealogical authors, have given an account of the deſcent of Lord Galloway's family very different from, and inconſiſtent with that which has now been trumpeted by theſe two modern heralds. This is rendered clear and certain from the particulars given in the memorial concerning the pedigree of Sir William Stewart of Jedworth, pages 33—37, ſupra, where literal extracts are given from Neſbit, George Crawford, and Sir Robert Douglas; all of whom have concurred in the fact that Sir William Stewart of Jedworth, the paternal anceſtor of the Earl of Galloway, was deſcended from John Stewart, one of the younger ſons of Sir John Stewart of Bonkyll, and a younger brother of Sir Alan

* Much praiſe is laviſhed on Mr. Williams in various parts of the anonymous work, the author of which has gone ſo far as to extol him for his accuracy, and to prefer him to all the various authors who have ever written on the ſubject of the Stewart families. Thus, after mentioning various genealogical writers, ſuch as Neſbit, Crawford, Sir Robert Gordon, and the learned Camden, there is, p. 133, the following paragraph:

" The laſt author we ſhall appeal to is the Reverend Mr. Williams, by *far* the *moſt accurate* " *of any who have examined the ſubject.*" If this is not downright flattery, it muſt be allowed to be at leaſt a diſ-proportioned compliment to Mr. Williams from his complaiſant friend.

 Stewart

Stewart of Dreghorn, who was the anceſtor of the Derneley family. Both Mr. Williams and his nameleſs friend have carefully kept out of view all the accounts thus given by theſe authors; though they have frequently appealed to theſe ſame authors upon other occaſions.

The memorial above referred to, concerning the pedigree of Sir William Stewart of Jedworth, which I made out in the year 1794, for Lord Galloway's uſe, was the reſult of a good deal of inveſtigation and trouble; for I had at that time conſulted every *genealogical* book wherein I could find any mention of Sir William Stewart of Jedworth, or of his pedigree. It will appear, indeed, that the report made by me was very different from that which has ſince been made by Mr. Williams and by the anonymous author. But if any perſon will take the trouble to examine the authorities referred to by them and by me, it will ſoon be diſcovered which of us have given the faireſt repreſentation of the caſe, and the beſt information for the Earl of Galloway's uſe; will then be ſeen, and with irreſiſtible evidence, that Mr. Williams and his anonymous friend are the only genealogical writers who have ever pretended that Lord Galloway's anceſtor was a ſon of Sir Alexander, or a brother of Sir John Stewart of Derneley; conſequently, what they wiſhed to impute to me of my repreſenting Lord Galloway's pedigree in a manner different from all the genealogical writers, is an imputation ſolely applicable to themſelves: it required, therefore, a good deal of modeſt aſſurance in theſe two authors to aſſert, as they have done in different parts of their writings, that I had been the firſt or only perſon who ever doubted of Lord Galloway's pretenſions; aſſerting, at the ſame time, that his right of deſcent from the eldeſt branch had been univerſally acknowledged and uniformly ſanctioned by time and opinion.

Nothing was ſtated by me on the ſubject without referring to the authority whence it was taken; for whatever may have been the objects of Mr. Williams and his friend in their ſtatements, it was no object of mine to miſlead Lord Galloway, or to give any repreſentation of facts other than what could ſtand the teſt of the ſtricteſt examination. His Lordſhip, if he has not already diſcovered, may poſſibly at ſome future period diſcover, whether he is moſt indebted to thoſe who had ſtudied to give him only true information, or to thoſe who wiſhed to conciliate favor by giving ſuch flat-

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tering accounts as they thought might be agreeable, without conſidering that facts ſtated without proofs, or contrary to proofs, may lead into difficulties, but never can be finally ſuccesſful.

The riſe and progreſs of theſe Genealogical Inquiries.

Lord Galloway muſt recollect, that it was at his earneſt requeſt that I firſt engaged in the ſtudy of the Genealogical Hiſtory of the Stewart families, with a view to aſſiſt his Lordſhip in the inquiries which he was then moſt anxious ſhould be made for aſcertaining to whom the chiefship of the family would belong after the death of the Cardinal York.

I confeſſed to his Lordſhip my ignorance of thoſe matters, having never turned my mind to any genealogical ſubject; but though unwilling to engage in any thing that might be likely to conſume much time, or to occaſion much trouble, I at laſt yielded to the repeated earneſt requeſts made to me by Lord Galloway, and told his Lordſhip that when I went to Scotland I ſhould be very ready to give him any aſſiſtance in my power, by examining the public records or other places where there might be any expectation of finding materials that could afford juſt information; and that I ſhould always be ready to give his Lordſhip a fair opinion, according to the beſt of my judgment, upon the facts or proofs that might from time to time happen to be diſcovered.

I was the more readily induced to agree to Lord Galloway's requeſt, on account of the diſtinguiſhed favor and friendſhip which I had for many years enjoyed from his Lordſhip's father, the late Earl of Galloway, with whom I had the happineſs of living in great intimacy, while we were joint guardians to the Duke of Hamilton; and the friendſhip thus commenced had laid the foundation for much amicable connexion with his Lordſhip's family ever ſince that period.

Accordingly, upon going to Scotland, I did beſtow a good deal of time and labour in fulfilling the promiſe I had made to the preſent Earl of Galloway, who cannot fail to recollect the reports I made to him from time to time of the reſult of my reſearches; and the many ſuggeſtions which I gave, both to himſelf and to Mr. Williams, about additional inquiries to be made by them, and directing them to the places where it would be moſt proper that they ſhould be made.

In

In this manner matters went on for a confiderable time, before there was any idea of my friends of the Caftelmilk family being concerned in the object of this inquiry; for I have no hefitation to repeat, what has already been ftated in the preface to my Hiftory, that I was at that time under the impreffion, that the chiefship would be found to belong to Lord Galloway's family; though I was quite ignorant of the grounds on which either his Lordfhip's pretenfions or thofe of other competitors were founded.

When I found, from the converfations at Caftelmilk with my relations Sir John and Lady Stuart, that they confidered themfelves as materially interefted in the refult of thefe inquiries, and that they thought their pretenfions entitled to every attention from their connections, I immediately acquainted Lord Galloway of what had thus paffed, and told his Lordfhip that I did not choofe to be placed in a fituation where I might naturally be fubject to the fufpicion of being partial to my near relations of the Caftelmilk family, and therefore that I did not wifh to be the perfon to be trufted to on his Lordfhip's part for profecuting the inquiries on his behalf; and fuggefted to him the propriety of his making choice of fome other perfon for that purpofe, or at leaft to make choice of fome perfon of eftablifhed character and abilities to whom the refult of all inquiries made either for his Lordfhip or for the Caftelmilk family might be fubmitted, and with whom his Lordfhip might have an opportunity to confult from time to time.

Accordingly Sir Adam Fergufon was named as a perfon upon whofe opinion all parties would have complete reliance.

Lord Galloway probably ftill has the correfpondence between him and me on this fubject; it will fhew the amicable manner in which thofe matters were carried on at that time. And as I communicated to Sir Adam Fergufon the refult of inquiries made either on the part of Lord Galloway or of Sir John Stuart, I prefume that his Lordfhip had occafion to learn from Sir Adam his fentiments, fo far as matters had been advanced during that mutual reference to him.

Lord Galloway will alfo recollect, that it was agreed between his Lordfhip and Sir John and Lady Stuart, that all matters fhould continue to be carried on between them on the moft amicable footing, and that each party fhould communicate to the other the refult of their inquiries, and any papers or proofs that might happen to be difcovered.

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This agreement between Lord Galloway and the Caſtelmilk family, in which I conſidered myſelf as a party, was moſt faithfully obſerved by me, though during the life of Sir John Stuart I acted only under him, for his behoof and by his authority; and both his Lordſhip and Mr. Williams muſt do me the juſtice to acknowledge, that they received from me the moſt liberal and unreſerved communication of every thing that could intereſt them in the various and extenſive diſcoveries made in the courſe of the inveſtigations at home and abroad on our part.

Conduct of the Caſtelmilk family towards the Earl of Galloway.

They muſt alſo acknowledge, for they were ſenſible of it at the time, that the communications of this ſort received from his Lordſhip, or from Mr. Williams, bore no proportion to thoſe which they received from me; this, however, I did not impute to any want of diſpoſition on their part to fulfil the agreement; but aſcribed it merely to this circumſtance, that very little had been diſcovered by them worthy to be communicated, or that could keep pace with the extenſive communications which they received from me; for they had not only the benefit of learning from me every material paper and fact diſcovered in the courſe of the ſearches in England and Scotland, but likewiſe the reſult of all my inquiries in France and in Italy; and all theſe advantages Lord Galloway enjoyed without ever being put to one ſhilling of expence; though his Lordſhip muſt have been ſenſible, that the extenſive reſearches in the records of France and of Italy, as well as in thoſe of England and Scotland, muſt have been attended with a great deal of expence, beſides the time that was neceſſary to be dedicated to this buſineſs *.

If Lord Galloway was really in earneſt to diſcover every thing material that could be learned concerning his family, or concerning the Stewarts of Derneley, it cannot be ſuppoſed that he would have omitted to get proper inquiries made in France reſpecting them, as the Stewarts of Derneley

* It is acknowledged even by the anonymous writer, that Lord Galloway's claim has received great benefit from the diſcoveries made by me in France. Thus, in page 57, there is this paragraph: "Let it be obſerved that the minuteneſs of the author of the Genealogical "Hiſtory of the Stewarts is, in ſome ſort laudable and important, as from the variety of "original evidence he has adduced, both from the authors and public offices of France, an "incontrovertible demonſtration is eſtabliſhed, that Sir William Stewart, the firſt of Caſtel-"milk, was the brother of Sir John Stewart of Derneley."

Page 86. "The ſucceſsful reſearches which you made in France in 1789 have enabled you "to place the cloſe connexion of thoſe two remarkable brothers (Sir John Stewart of Derne-"ley and Sir William Stewart of Caſtelmilk) in a pleaſing point of view; and Lord Gallo-"way, of all men, is moſt peculiarly indebted to you, for thus elucidating the hitherto "doubtful tranſactions of your mutual anceſtor."

were

were known to have acted a diſtinguiſhed part in that country. The expence which muſt have attended theſe inquiries, was ſaved to him by the liberal and extenſive communications given of the reſult of my reſearches in France and elſewhere.

The greateſt part, if not the whole, of the Genealogical Hiſtory was from time to time communicated to Lord Galloway, or to Mr. Williams, before it was printed; and I was ready to have adopted any ſuggeſtions of theirs, provided they were ſupported by proof, but not otherwiſe. In ſhort, if the queſtions agitated can be conſidered as a conteſt or competition between the Earl of Galloway's family and that of the Stuarts of Caſtelmilk, it may truly be ſaid, that there never was a competition carried on in ſo unreſerved and liberal a manner as this was on the part of the Caſtelmilk family towards the Earl of Galloway and his family.

The fact is, that after having beſtowed ſo much time and trouble in the inveſtigation of the truth, it became a favorite object with me to have the honor and credit of correcting the various errors which had crept into the hiſtory of the Stewarts of Derneley, and the credit of giving to the world a true hiſtory that might be depended upon with regard to every matter therein ſtated. Theſe objects I had much more at heart than any preference of one family to another with reſpect to the Chiefſhip, or Chieftanſhip of the Stewarts; an object which I am ready to admit is of very little importance or conſequence even to the parties themſelves, and certainly of ſtill leſs importance to the world in general.

From many incidents which had happened in the courſe of theſe affairs, Lord Galloway, both in converſation and in writing, often expreſſed himſelf ſenſible of the liberal manner in which the buſineſs had been conducted, and of his obligations to me for all the trouble I had taken.

Without entering into the detail of various uſeful communications which his Lordſhip received from me, I may be allowed to mention a very material one which happened lately, in the courſe of the preſent ſummer.

It fell to my lot to diſcover a material piece of evidence for ſupporting Lord Galloway's ſide of the queſtion, of which neither his Lordſhip nor any perſon acting for him had attained, or was likely to attain, any knowledge; and I believe I may venture to ſay, that it affords better proof of his Lordſhip's connection with the Derneley family than any that had ever been diſcovered by all the laborious ſearches made on his

Lordſhip's

Lordſhip's part, including thoſe made by Mr. Williams or his anonymous friend, or by any other perſon whatſoever. I took an early opportunity of making known to Lord Galloway what I had thus diſcovered; which I did in the preſence of a friend of his much attached to his intereſt; and who ſeemed ſenſible of the importance of what was thus communicated. I am perſuaded it will be found to be more material in ſupport of his Lordſhip's pretenſions than any written document hitherto in his poſſeſſion.

Upon the whole, Lord Galloway muſt be highly ſenſible of the ſtrict fidelity which has been obſerved on the part of the Caſtelmilk family, in communicating to him every diſcovery made by them, wherein his Lordſhip's family might be intereſted.

He will therefore no doubt feel a juſt indignation, that there ſhould now ſtart up ſome unknown concealed champion for him, who, under falſe appearances, endeavours to miſrepreſent all that has happened, and attempts to convert into enmity all the amicable and liberal proceedings which had taken place until this officious intermeddler appeared upon the ſtage.

From the firſt commencement of the reſearches relating to theſe matters, I have always conſidered the point in agitation between the Earl of Galloway's family and that of the Stuarts of Caſtelmilk to be of ſuch a nature as ought not, and was not likely to be productive of any animoſity or bad humour.—It was much better calculated for an amicable conteſt, as being between two branches of the ſame family, and the matter in diſpute, though curious as a point of antiquity, yet of little real magnitude or importance. According to the notions uniformly entertained by me, a conteſt for a Chieftanſhip is, when reduced to its true eſtimation, a conteſt for an empty name; or, if there ſhould be found ſome perſons diſpoſed to dignify it with the epithet of a conteſt for a point of honour attended with ſome degree of real luſtre, that honour, when aſcertained in favor of any one branch of the family, could not fail to communicate part of its luſtre at leaſt to the other branches of the ſame family, and eſpecially to that branch which had been

engaged in the competition, on the footing of having pretenſions equal or nearly equal to thoſe of the ſucceſsful competitor; for, according to the ſtate of facts maintained on the part of Lord Galloway himſelf, the anceſtor of the one family was the brother of the anceſtor of the other: and though the account given by the Caſtelmilk family differs a little from this in ſome reſpect, yet it is admitted on all hands, that they are deſcended from the ſame common anceſtor, Sir John Stewart of Bonkyl. One would imagine, therefore, that the anonymous author, who, in his facetious ſtyle, has thought proper to treat the pretenſions of the Caſtelmilk family with ſome degree of flippancy, would not much ingratiate himſelf with Lord Galloway by that mode of paying his court.

The Anonymous Author ſaid to be employed by the Earl of Galloway;

But there are various paſſages in the anonymous work, where the author aſſumes, and ſurely without authority, the character of a perſon directly employed by the Earl of Galloway, or by ſome of his connections, to plead his cauſe in the manner he has done; and he ſeems deſirous to perſuade his readers that this is the true ſtate of the caſe. Many things, however, incline me to think the author cannot be entitled to credit for what he has thus advanced. For, after what had paſſed between the Earl of Galloway and myſelf, in the courſe of ſeveral years, I will not allow myſelf to think it poſſible that his Lordſhip could ever have given his authority, or even his tacit conſent, to ſuch a publication.—Indeed there are peculiar circumſtances which muſt have precluded him from giving any degree of encouragement to a work of the nature of that now in queſtion. If however, againſt all probability, the Earl of Galloway has really given any ſuch authority, as is ſaid or inſinuated by the anonymous writer, I hope his Lordſhip will fairly avow it, in a manner ſuitable both for himſelf and for me; and then I ſhall know with whom I have to contend, for I do not chuſe to have to do with ſubalterns, or with intereſted or hireling authors, when I can get at the principals who employed them.

deemed incredible.

Until attaining ſome degree of certainty in the particular now mentioned, I do not wiſh to be too ſevere on the unknown author of the anonymous

work,

work, therefore ſhall at preſent abſtain, as much as poſſible, from taking any notice of the ſtyle and temper manifeſted in it, although the general opinion of the few who have had the patience to read the whole of it is, that the ſtyle and temper are ſo very improper, and ſo much the reverſe of any thing practiſed amongſt perſons of education, that the author can only deſerve to meet with the moſt humiliating treatment.

That the nameleſs author ſhould have indulged himſelf in the manner he has done, is the more extraordinary, as he has told us, page 10, that he is ambitious to maintain the character of a *Gentleman* and a *Scholar*, and profeſſes much reſpect for the *laws of urbanity*.

It cannot poſſibly be denied that the anonymous author is a *Scholar*, as his work abounds with ſo many quotations from Greek and Roman authors. In his Refutation of the Genealogical Hiſtory of the Stewarts, (a family unknown either to the Greeks or Romans,) he has called in to his aſſiſtance all his old claſſical friends from the Grecian and Roman territories, who certainly never expected to be called forth in a ſervice of this nature. In the muſter roll of the foreign auxiliaries brought into the field upon this requiſition, there are Pindar, Ariſtophanes, Virgil, Horace, Salluſt, Julius Capitolinus, Statius, Quintilian, and Velleius Paterculus, beſides a reinforcement of modern *ſçavans*, ſuch as Voltaire, Mirabeau, &c. Under theſe circumſtances it muſt unqueſtionably be admitted, that a man poſſeſſed of ſuch a wonderful power of quotation can be no other than a great and accompliſhed *Scholar*.

As to his pretenſion to the character of a *Gentleman*, little can be ſaid on that head, until we know *who he is*: In the mean time, we can only gueſs from ſymptoms and appearances; and if thoſe pretenſions were to be left to the deciſion of a Jury of Gentlemen converſant in the world, their judgment of who is, or who is not a gentleman, would probably be regulated in a great degree by the ſtyle of his converſation or the ſtyle of his writings.—For this purpoſe it will be very deſirable that the whole of the anonymous performance ſhould be read over with a particular attention to the ſtyle, and to the inſtances of boaſted urbanity.

O 2 A ſpe-

Style and ſpirit of the anonymous book.

A ſpecimen of that attention to the laws of urbanity, and of the ſtyle and *ſpirit* in which the anonymous performance is written, will be found, pages 151 and 152. After a very decided and acrimonious condemnation of the ſtyle made uſe of by me in the Genealogical Hiſtory, the following remark is ſubjoined: "Here the reader will contemplate with doubt and wonder a literary phenomenon, the loweſt "phraſeology of the Courts, interlarding the ſtyle of the reputed Author "of a production ſecond to few in the Engliſh Language for reach of "thought, ability of argument or vigour, and eloquence of diction." And in a note at the bottom of page 151, the anonymous author further explains himſelf thus: "The performance here alluded to is certain Letters "to Lord Mansfield, publiſhed about the year 1769 or 1770, ſoon after "the deciſion of the celebrated Douglas cauſe by the Houſe of Peers — a "work indeed of extraordinary merit. It is true the Letters *ſeem* compoſed "in the name of Andrew Stuart Eſq.; *but that Gentleman laudably avows* "*no claim to the honour of the performance*, *it being given to the world wholly* "*as anonymous*. His friends *(if there be any ſuch)* who ſtill believe that "it proceeded from his pen, may, ſince the publication of the Genealogical "Hiſtory of the Stewarts, ruminate on a phenomenon which they will of "courſe think is among the difficulties hard of ſolution, a writer who at "one and the ſame time is a giant and dwarf, a *prodigy of ſtrength* and a "*monument of weakneſs*. Theſe Letters I have always regarded as by far "the moſt maſterly among many able productions brought forth by this "memorable Trial. Of the real author, whoever he be, it may be truly "ſaid, as Velleius Paterculus ſaid concerning Cicero: "Animo vidit, "ingenio complexus eſt, elegantia illuminavit," &c.

On reading this paſſage, it was not eaſy for me to comprehend what adequate motives the author could have for expoſing himſelf to the ſhame of being detected in aſſertions and inſinuations ſo totally unfounded, and which could be ſo eaſily refuted. He certainly gave me no ſmall advantage over him by affording me an opportunity of accompanying that de-

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tection with the strictures which it merited. But I will not now allow myself to say one word more on that subject, as I have lately received by the post from Edinburgh, a letter from my unknown correspondent, which in fairness to him I think proper to subjoin.

" SIR, " Edinburgh, May 1799.

" As the author of the ' Genealogy of the Stewarts Refuted,' I take the " liberty of addressing a few lines to you ;—my reason is, to apologize for " an inaccuracy into which I have inadvertently fallen in that publication, " and which may possibly be interpreted by you into a *personal reflexion*, " than which nothing can be further from the *real* intention of the writer. " Some liberties I certainly have taken with your literary character, and " these, as one of the public, I have a perfect right to take ; but your pri- " vate character I highly and sincerely respect ; and should be extremely " sorry to think you had the slightest cause to imagine, that I had either " expressed or entertained a contrary sentiment. The inaccuracy to which " I allude is the following.

" At pages 151, 152, of my book, in hazarding a conjecture purely " *literary*, relative to your letters to Lord Mansfield, I have said, that they " are given to the world wholly as *anonymous*, but, as since looking back to " that masterly performance, I find that the title is ' Letters to Lord " Mansfield *from* Andrew Stuart Esq.' The fact, Sir, really is, that I " never had, till a few days ago, opened the book since the time of its " first publication, now near 30 years, and somehow or other I was im- " pressed with the idea that your name was not upon the title page ; but " as this is otherwise, I must acknowledge I have mis-stated a fact, which " is very contrary to my intention, and I believe equally contrary to my " usual practice. Had I fortunately sooner looked back to the Letters in " question, you may be assured I should have expressed myself very dif- " ferently, nor should I have omitted to give due praise to the grammatical

" pre-

" precision you have displayed, in the peculiar use of the preposition *from*,
" in the above-mentioned title*.

" Whatever otherwise may be your opinion of my book, I trust you will " admit, what is the sentiment of all impartial readers, that it is written " with *candour* and a *manly freedom*. Should you ever reply to it (which " I think improbable) I shall rejoice to see that your answer is in the same " liberal spirit.

" As to myself, it is probable that I shall never be known to you, nor is " it necessary that I should. Private and literary quarrels are in themselves " essentially different. Of the present writer it is the temper neither pe- " tulantly to court the one, nor weakly to shrink from the other. Your " esteem I cannot hope to conciliate,—but I trust I shall be found entitled to " a respect similar to that, with which I have the honor to be,

" SIR,
" Your most obedient,
" And humble Servant,
" THE AUTHOR."

Having received the above letter, I cannot now allow myself to treat with any degree of asperity that part of the anonymous performance which the author has so positively stated to have proceeded from mistake or inadvertence. It is more agreeable to me to give confidence where it is asked, than to retain sentiments of displeasure, especially after an apology has been made, the sincerity of which I have no particular reason to doubt. But there is one inference which, in perfect good humour, and without any degree of harsh commentary, I may be allowed to make, even in the present state of the case: that since the anonymous author is himself sensible of the mistake he had com-

* For the sake of information, the unlettered reader, not possessing the advantages of scholarship and grammatical knowledge, wishes to have the merits of the preposition *from* explained to him, and to know, in what the grammatical precision and happy use of that preposition consists.

mitted,

mitted, which was accompanied with injurious aſſertions and inſinuations, he ought ſeriouſly to reflect upon the *poſſibility* that in many other parts of his book, he may have been impoſed upon or miſled, by truſting too much to the aſſertions, conjectures, and fallacious reaſonings of others. In ſhort, he ought to have been more upon his guard againſt thoſe reaſonings of Mr. Williams to which he has attributed the name of acute reaſonings, and with which he ſeems to have been much captivated. Theſe admired papers of Mr. Williams were the reſult of much time beſtowed by him; were compoſed with much labour and zeal; and, in ſome parts, with ſo much plauſibility and ſubtilty, as to be apt to miſlead thoſe who were not well acquainted with the ſubject, or who were not ſufficiently on their guard againſt the addreſs employed in the compoſition of them. A good deal of time and attention, I confeſs, were neceſſary for unravelling various matters artfully blended together, and for pointing out the diſtinctions between authentic evidence, and raſh aſſertions or unfounded conjectures. On this ſubject I am the more entitled to ſpeak, from the recollection of the trouble it coſt me to read over Mr. Williams's voluminous and elaborate papers, and to point out the errors and plauſible fallacies in his ſtatements.

Theſe conſiderations, though they may ſerve to extenuate a little, never can be ſufficient to vindicate the ſervile follower of Mr. Williams in all his facts and reaſonings. It was his duty, eſpecially before venturing an attack in any quarter, to have examined moſt carefully and ſtrictly the ground on which he ſtood, and to have beſtowed the time neceſſary for ſeparating truth from falſehood, and for diſtinguiſhing between real and imaginary proofs. As he has not done ſo, he muſt take the conſequences, and ſhare in the ſhame and reproach incurred, by the copartnerſhip which he ſeems to have entered into with Mr. Williams, and by his ſhare in their joint endeavours to miſlead the public.

But the anonymous author ſeems to have ſomething further to anſwer for than his adulation and acting as an accomplice of Mr. Williams;—he is alone anſwerable for the manner of dreſſing up the materials furniſhed to him by that aſſociate.

There

There are however in one page of his book ſome ſymptoms of candour, where he ſtates what may probably be the opinion paſſed upon him and his book by one part of the world—that part which he ſuppoſes will be partial to me.

Page 159, 160. He expreſſes himſelf thus: "The reſpectability, Sir, "of your character has procured you many friends, and, as I know, "ſome ardent admirers; by theſe, but particularly by the latter, the "whole ſtrain and tendency of this letter will be deemed reprehenſible: "whatever may be ſaid (they will obſerve) of my arguments, my mode "of urging them is confident and pertinacious; my attempts at ridicule "ill-timed and abortive; and, above all, the diſreſpect (as they will term "it) is unjuſtifiable, with which I have treated a calm and candid adverſary, "under the ludicrous epithet of "Heir-apparent and Repreſentative of the "Cardinal de York." As to my review of the book, I ſuſpect it is to "meet with equally little indulgence—the whole will, in like manner, be "declared a malevolent, or, at leaſt, a preſumptuous invective."

Theſe anticipations have probably been ſuggeſted to the author, from the ſecret conſciouſneſs of having merited the character here given of himſelf. But, from the ſketch which he has thus drawn of the judgment likely to be pronounced by one part of the public on him and his work, it is evident, that even that part of the public judgment has not been completely revealed to him. It may not be improper, therefore, that he ſhould, for his future regulation in ſimilar caſes, have the benefit of knowing that judgment a little more fully; for which purpoſe it may be of ſome uſe to him to be made acquainted with the particulars of a report received from ſome very intelligent perſons who had been prevailed upon to read his book from beginning to end, for the double purpoſe of gueſſing at the author, and for that of giving an opinion upon the merits or demerits of the performance.

The perſons who took the trouble of that examination did not pretend that they could diſcover or gueſs at the author; but they concurred in this ſentiment, that the author appeared to have fixed upon the ſtyle which muſt have been the moſt agreeable to his own genius and taſte, being that

which indicated a *genuine malevolence of heart*, and a *peculiar invidiousness of disposition*; from this, they conceive, was derived the uniform strain of sarcastic irony, and of unprovoked *petulance* and *flippancy*, which had been adopted and persisted in from the first to the last page of his performance; and which was not restrained even when he had occasion to allude to a lady of the most respectable character, but who stands too high in the general estimation and respect of all who have had the happiness of knowing her, to be at all affected by the author's pedantic attempt at wit.

They acknowledged, that the writer seems to have a particular talent for the style of writing he has adopted; but they did not think it a talent to be envied, because it is a style not difficult to be attained by any person, who has no restraints either from benevolence of disposition, or urbanity of manners, or from a scrupulous regard to truth; when to these qualities there is added the advantage gained by the author's concealing his name, he must feel himself totally liberated from that attention to decorum which arises from an author's addressing the public in his own name, and he will think himself at liberty to vent his ill-humour or misanthropy against all persons without distinction, and upon all or any occasions indiscriminately.

If a guess may be formed of the author's favorite amusements or habitual occupations, we should be tempted to think, that, for the gratification of an unforttunate temper, he dedicates his leisure hours to the composition of ill-natured, sarcastical sentences or dissertations on different subjects, from which impure collection he may have it in his power at all times to let loose his malevolence in any direction he pleases; which can easily be accomplished by the help of a few connecting introductory suppositions, as has been practised in the present case: *for if* the author is allowed to assume facts, and to take them for granted, it will not be difficult for him to gain admission for his ready made sentences or declamations on particular topics. In fact, there is hardly any part or portion of the splenetic performance in question, and of the classical learning displayed in it, but what might have been made equally applicable to any other person, or to any other occasion.

Concerning the Genealogical Sketch of the Houſe of Bonkyl.

Before concluding, it may perhaps be thought incumbent on me to take ſome notice of the genealogical ſketch of the houſe of Bonkyll, which the anonymous author has placed at the end of his book. This ſketch, having evidently coſt him ſome trouble, ſeems to be viewed by him with particular partiality and fondneſs. (Vide pages 138 and 139.)

I ſhall not attempt to deprive the author of that apparent ſatisfaction; two reaſons reſtrain me from it; the one is, that the greateſt part of that genealogical tree relates to the pedigree of Mr. Stewart of Alanton, as deſcended from Sir Robert Stewart, ſixth ſon of Sir John Stewart of Bonkyll. But as I am ignorant of all or any of the deſcendants from that Sir Robert Stewart, not having ſeen any of thoſe documents which had been ſhewn to the anonymous writer, I do not chooſe to ſay any thing either for or againſt thoſe aſſerted ſucceſſors of Sir Robert Stewart, any further than to refer to what has already been ſtated as to the *non-exiſtence* of a Robert, ſon of Sir John Stewart of Bonkyll; which, if admitted, muſt cut up by the roots this luxuriant and well-ſtocked tree, with all its ramifications.

The other reaſon for my allowing the anonymous author to remain at preſent in the undiſturbed poſſeſſion of his genealogical tree, is, that I am really tired of purſuing him through ſuch a variety of erroneous ſtatements and unfounded conjectures; and were I to ſet about correcting the various errors in that genealogical performance, ſuch tedious and irkſome occupation would be very ill ſuited to my preſent ſtate of health. This is a circumſtance very generally known, and moſt probably not unknown to the anonymous author himſelf.

THE END.

ERRATA

IN THE

GENEALOGICAL HISTORY.

Page 11. line 19. *for* Ingeram *read* Ingelram
66. — 5. *for* He *read* John de Hamilton
68. — 23. *for* 1557 *read* 1357
145. — 12. *for* Cancellarius Bajocen *read* Chancellor of the diocese of Bayeux
163. — 7. *after* Robert *add* of Wyston
188. — 3. from the bottom, *after* and *add* an exact copy of it
198. 199. 200.—The head-line of these pages, *for* John Lord Derneley *read* Bernard Stuart of Aubigny
204. — 20. *for* Brotiis *read* Brutia (the Roman name of modern Calabria)
221. — [illegible]. *for* Earl of Arran *read* Lord Hamilton
241. — 5. from the bottom, *for* reture *read* retire
243. — 23. *after* Scotland *add* in the year 1655
243. — 26. *after* Regent *add* who was slain in Linlithgow by Hamilton of Bothwell-haugh, in the month of January 1570
286 — 18. *dele after* Charles *to* is *in line* 19. *and instead read* born at Rome, on 31st December 1720, died there without issue on 31st January 1788, N. S. and Henry, the youngest, born on 6th March 1725
352. last line, *for* were *read* was

ERRATA IN THE SUPPLEMENT.

Page 62. line 3. *for* lately *read* a little before
62. — 4. *for* it *read* they
63. — 21. *after* prisoner *add* my History
80. — 18. *for* retired *read* removed